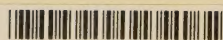


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HANSARD'S
PARLIAMENTARY
DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

4^o VICTORIÆ, 1841.

VOL. LVI.

COMPRISING THE PERIOD FROM
THE TWENTY-SIXTH DAY OF JANUARY,
TO
THE FIFTH DAY OF MARCH, 1841.

First Volume of the Session.

L O N D O N:

THOMAS CURSON HANSARD, PATERNOSTER ROW;
LONGMAN AND CO.; C. DOLMAN; J. RODWELL; J. BOOTH; HATCHARD AND
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AND CRADOCK AND CO.

1841.

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- III. LISTS OF DIVISIONS.
- IV. QUEEN'S SPEECH.

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ROLL OF THE LORDS SPIRITUAL AND TEMPORAL,

IN THE *FOURTH* SESSION OF THE *THIRTEENTH* PARLIAMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND IRELAND.

4^o VICTORIÆ 1841.

- | | |
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JAMES EDWARD Earl of MALMESBURY.	GEORGE AUGUSTUS FREDERICK HENRY Earl of BRADFORD.
FRANCIS WILLIAM Earl of CHARLEMONT. (<i>Lord Charlemont.</i>) (<i>Elected for Ireland.</i>)	JOHN REGINALD Earl BEAUCHAMP.
STEPHEN Earl of MOUNT CASHELL. (<i>Elected for Ireland.</i>)	RICHARD Earl of GLENGALL. (<i>Elected for Ireland.</i>)
JOHN Earl of MAYO. (<i>Elected for Ireland.</i>)	THOMAS PHILIP Earl de GREY.
WILLIAM Earl of WICKLOW. (<i>Elected for Ireland.</i>)	JOHN Earl of ELDON.
GEORGE CHARLES Earl of LUCAN. (<i>Elected for Ireland.</i>)	EDWARD Earl of FALMOUTH.
SOMERSET LOWRY Earl of BELMORE. (<i>Elected for Ireland.</i>)	RICHARD WILLIAM PENN Earl HOWE.
CHARLES HENRY ST. JOHN Earl O'NEILL. (<i>Elected for Ireland.</i>)	JOHN SOMERS Earl SOMERS.
JAMES Earl of BANDON. (<i>Elected for Ireland.</i>)	JOHN EDWARD CORNWALLIS Earl of STRADBROKE.
JAMES ALEXANDER Earl of ROSSLYN.	WINDHAM HENRY Earl of DUNRAVEN (<i>Elected for Ireland.</i>)
WILLIAM Earl of CRAVEN.	CHARLES WILLIAM Earl VANE. (<i>Mar- quess of Londonderry.</i>)
ARTHUR GEORGE Earl of ONSLOW.	WILLIAM PITT Earl AMHERST.
CHARLES Earl of ROMNEY.	JOHN FREDERICK Earl CAWDOR.
HENRY THOMAS Earl of CHICHESTER.	GEORGE Earl of MUNSTER.
THOMAS Earl of WILTON.	WILLIAM Earl of BURLINGTON.
EDMUND HENRY Earl of LIMERICK. (<i>Lord Foxford.</i>) (<i>Elected for Ireland.</i>)	ROBERT Earl of CAMPERDOWN.
EDWARD Earl of POWIS.	THOMAS WILLIAM Earl of LICHFIELD.
HORATIO Earl NELSON.	GEORGE FREDERICK D'ARCY Earl of DURHAM.
ARCHIBALD Earl of GOSFORD. (<i>Lord Worlingham.</i>) (<i>Elected for Ireland.</i>)	FREDERICK JOHN Earl of RIPON.
LAWRENCE Earl of ROSSE. (<i>Elected for Ireland.</i>)	GRANVILLE Earl GRANVILLE.
	KENNETH ALEXANDER Earl of EP- FINGHAM.
	HENRY GEORGE FRANCIS Earl of DUCIE.
	CHARLES Earl of YARBOROUGH.
	JAMES HENRY ROBERT Earl INNES. (<i>Duke of Roxburghe.</i>)
	THOMAS WILLIAM Earl of LEICESTER.
	WILLIAM Earl of LOVELACE.
	THOMAS Earl of ZETLAND.
	GEORGE Earl of AUCKLAND.

THE LORDS' ROLL.

HENRY Viscount HEREFORD.	EDWARD Bishop of LLANDAFF.
JOHN Viscount ARBUTHNOTT. (<i>Elected for Scotland.</i>)	JOHN BIRD Bishop of CHESTER.
JAMES Viscount STRATHALLAN. (<i>Elected for Scotland.</i>)	RICHARD Bishop of OXFORD.
HENRY Viscount BOLINGBROKE and ST. JOHN.	JAMES HENRY Bishop of GLOUCESTER, and BRISTOL.
GEORGE Viscount TORRINGTON.	HENRY Bishop of EXETER.
AUGUSTUS FREDERICK Viscount LEINSTER. (<i>Duke of Leinster.</i>)	JOSEPH Bishop of ELY.
HENRY Viscount MAYNARD.	CHARLES THOMAS Bishop of RIPON.
JOHN ROBERT Viscount SYDNEY.	EDWARD Bishop of SALISBURY.
SAMUEL Viscount HOOD.	EDWARD Bishop of NORWICH.
JOHN Viscount DE VESCI. (<i>Elected for Ireland.</i>)	THOMAS Bishop of HEREFORD.
HAYES Viscount DONERAILE. (<i>Elected for Ireland.</i>)	GEORGE Bishop of PETERBOROUGH.
CORNWALLIS Viscount HAWARDEN. (<i>Elected for Ireland.</i>)	JAMES Bishop of LICHFIELD.
EDWARD JERVIS Viscount ST. VINCENT.	CONNOP Bishop of ST. DAVID'S.
ROBERT Viscount MELVILLE.	PHILIP NICHOLAS Bishop of CHICHESTER.
HENRY Viscount SIDMOUTH.	LUDLOW Bishop of KILLALOE and CLONFERT.
ROBERT EDWARD Viscount LORTON. (<i>Elected for Ireland.</i>)	GEORGE Bishop of KILMORE.
WARWICK Viscount LAKE.	ROBERT PONSONBY Bishop of CLOGHER.
GEORGE Viscount GORDON. (<i>Earl of Aberdeen.</i>)	WILLIAM GEORGE Lord KILMARNOCK, (<i>Earl of Erroll</i>) Lord Steward of the Household.
EDWARD Viscount EXMOUTH.	HENRY Lord PAGET, <i>Lord Chamberlain of the Household.</i>
CHARLES Viscount GORT. (<i>Elected for Ireland.</i>)	WILLIAM LENNOX LASCELLES Lord De Ros.
JOHN HELY Viscount HUTCHINSON. (<i>Earl of Donoughmore.</i>)	GEORGE EDWARD Lord AUDLEY.
WILLIAM CARR Viscount BERESFORD.	PETER ROBERT Lord WILLOUGHBY D'ERESBY.
WILLIAM THOMAS Viscount CLANCARTY. (<i>Earl of Clancarty.</i>)	THOMAS Lord DACRE.
STAPLETON Viscount COMBERMERE.	CHARLES RODOLPH Lord CLINTON.
CHARLES JOHN Viscount CANNING.	THOMAS Lord CAMOYS.
CHARLES Viscount CANTERBURY.	THOMAS MILES Lord BEAUMONT.
JOHN Viscount PONSONBY.	WILLIAM Lord STOURTON.
CHARLES JAMES Bishop of LONDON.	HENRY Lord BERNERS.
EDWARD Bishop of DURHAM.	HENRY PEYTO Lord WILLOUGHBY DE BROKE.
CHAS. RICHARD Bishop of WINCHESTER.	GEORGE Lord VAUX, of HARROWDEN.
GEORGE HENRY Bishop of BATH and WELLS.	HENRY Lord PAGET. (<i>In another place as Lord Chamberlain of the Household.</i>)
JOHN Bishop of LINCOLN.	ST. ANDREW BEAUCHAMP Lord ST. JOHN of BLETISO.
WILLIAM Bishop of ST. ASAPH.	CHARLES AUGUSTUS Lord HOWARD de WALDEN.
CHRISTOPHER Bishop of BANGOR.	GEORGE HARRY Lord GREY of GROBY.
ROBERT JAMES Bishop of WORCESTER.	WILLIAM FRANCIS HENRY Lord PETRE.
HUGH Bishop of CARLISLE.	GREGORY WILLIAM Lord SAYE and SELE.
GEORGE Bishop of ROCHESTER.	HENRY BENEDICT Lord ARUNDELL of WARDOUR.

THE LORDS ROLL.

JOHN LORD CLIFTON. (<i>Earl of Darnley.</i>)	FLETCHER LORD GRANTLEY.
JOSEPH THADDEUS LORD DORMER.	GEORGE LORD RODNEY.
HENRY FRANCIS LORD TEYNHAM.	JOHN LORD CARTERET.
GEORGE WILLIAM LORD STAFFORD.	WILLIAM LORD BERWICK.
GEORGE ANSON LORD BYRON.	JOHN LORD SHERBORNE.
WILLIAM LORD WARD.	HENRY JAMES LORD MONTAGU.
HUGH CHARLES LORD CLIFFORD OF CHUDLEIGH.	HENRY LORD TYRONE. (<i>Marquess of Waterford.</i>)
FRANCIS LORD HOWLAND, (<i>in another place as Duke of Bedford.</i>)	HEN. LORD CARLETON. (<i>Earl of Shannon.</i>)
JAMES OCHONCAR LORD FORBES. (<i>Elected for Scotland.</i>)	EDWARD LORD SUFFIELD.
ALEXANDER GEORGE LORD SALTOUN. (<i>Elected for Scotland.</i>)	GUY LORD DORCHESTER.
FRANCIS LORD GRAY. (<i>Elected for Scotland.</i>)	GEORGE LORD KENYON.
CHARLES LORD SINCLAIR. (<i>Elected for Scotland.</i>)	RICHARD LORD BRAYBROOKE.
JOHN LORD COLVILLE OF CULROSS. (<i>Elected for Scotland.</i>)	GEORGE AUGUSTUS LORD FISHERWICK. (<i>Marquess of Donegal.</i>)
ERIC LORD REAY. (<i>Elected for Scotland.</i>)	ARCHIBALD LORD DOUGLAS OF DOUGLAS.
EDMUND LORD BOYLE. (<i>Earl of Cork and Orrery.</i>)	HENRY HALL LORD GAGE. (<i>Visc. Gage.</i>)
THOMAS ROBERT LORD HAY. (<i>Earl of Kinnoul.</i>)	EDWARD THOMAS LORD THURLOW.
DIGBY LORD MIDDLETON.	GEORGE WILLIAM LORD LYTTON.
FREDERICK JOHN LORD MONSON.	HENRY LORD MENDIP. (<i>Viscount Clifden.</i>)
HENRY LORD MONTFORT.	FRANCIS LORD STUART OF CASTLE STUART. (<i>Earl of Moray.</i>)
GEORGE WILLIAM FREDERICK LORD BRUCE.	RANDOLPH LORD STEWART OF GARLIES (<i>Earl of Galloway.</i>)
HUGH LORD FORTESCUE OF CASTLE HILL.	JAMES THOMAS LORD SALTERSFORD. (<i>Earl of Courtown.</i>)
FREDERICK LORD PONSONBY. (<i>Earl of Bessborough.</i>)	GEORGE ALAN LORD BRODRICK. (<i>Viscount Midleton.</i>)
GEORGE JOHN LORD SONDES.	GEORGE LORD CALTHORPE.
NATHANIEL LORD SCARSDALE.	JOHN LORD ROLLE.
GEORGE LORD BOSTON.	RICHARD LORD WELLESLEY. (<i>Marquess Wellesley.</i>)
HENRY EDWARD LORD HOLLAND.	ROBERT JOHN LORD CARRINGTON.
HENRY FREDERICK JOHN JAMES LORD LOVELL AND HOLLAND. (<i>Earl of Egmout.</i>)	HENRY WILLIAM LORD BAYNING.
GEORGE JOHN LORD VERNON.	WILLIAM POWLETT LORD BOLTON.
GEORGE CHARLES LORD CAMDEN OF CAMDEN PLACE, (<i>in another place as Marquess Camden.</i>)	JOHN LORD WODEHOUSE.
JOHN DOUGLASS EDWARD HENY LORD SUNDRIDGE. (<i>Duke of Argyll.</i>)	JOHN LORD NORTHWICK.
EDWARD WILLIAM LORD HAWKE.	THOMAS ATHERTON LORD LILFORD.
THOMAS HENRY LORD FOLEY.	THOMAS LORD RIBBLESDALE.
GEORGE TALBOT LORD DYNEVOR.	JOHN LORD FITZGIBBON. (<i>Earl of Clare.</i>)
THOMAS LORD WALSINGHAM.	EDWARD WADDING LORD DUNSANY. (<i>Elected for Ireland.</i>)
WILLIAM LORD BAGOT.	JOHN LORD CARBERY. (<i>Elected for Ireland.</i>)
CHARLES LORD SOUTHAMPTON.	HENRY LORD FARNHAM. (<i>Elected for Ireland.</i>)
	ROBERT LORD CLONBROCK. (<i>Elected for Ireland.</i>)
	EDWARD LORD CROFTON. (<i>Elected for Ireland.</i>)
	HENRY LORD DUNALLY. (<i>Elected for Ireland.</i>)

THE LORDS' ROLL.

HENRY FRANCIS SEYMOUR Lord MOORE. (<i>Marquess of Drogheda.</i>)	JOHN Lord ORMONDE. (<i>Marquess of Ormonde.</i>)
JOHN LOFTUS Lord LOFTUS. (<i>Marquess of Ely.</i>)	FRANCIS CHARTERIS WEMYSS Lord WEMYSS.
JOHN Lord CARYSFORT. (<i>Earl of Carysfort.</i>)	ROBERT Lord CLANBRASSIL. (<i>Earl of Roden.</i>)
WILLIAM Lord ALVANLEY.	ROBERT Lord KINGSTON. (<i>Earl of Kingston.</i>)
GEORGE Lord ABERCROMBY.	EDWARD MICHAEL Lord SILCHESTER. (<i>Earl of Longford.</i>)
JOHN THOMAS Lord REDESDALE.	GEORGE AUGUSTUS FREDERICK JOHN Lord GLENLYON.
GEORGE Lord RIVERS.	WILLIAM Lord MARYBOROUGH.
EDWARD Lord ELLENBOROUGH.	THOMAS HENRY Lord ORIEL. (<i>Viscount Ferrard.</i>)
ARTHUR MOYSES WILLIAM Lord SANDYS.	THOMAS HENRY Lord RAVENSWORTH.
GEORGE JAMES Lord ARDEN.	THOMAS Lord DELAMERE.
GEORGE AUGUSTUS FREDERICK CHAS. Lord SHEFFIELD. (<i>Earl of Sheffield.</i>)	JOHN GEORGE WELD Lord FORESTER.
CHARLES NOEL Lord BARHAM.	JOHN JAMES Lord RAYLEIGH.
DAVID MONTAGU Lord ERSKINE.	ULYSSES Lord DOWNES. (<i>Elected for Ireland.</i>)
HOWE PETER Lord MONT EAGLE. (<i>Marquess of Sligo.</i>)	NICHOLAS Lord BEXLEY.
ARCHIBALD WILLIAM Lord ARDROSSAN. (<i>Earl of Eglintoun.</i>)	ROBERT FRANCIS Lord GIFFORD.
JAMES Lord LAUDERDALE. (<i>Earl of Lauderdale.</i>)	PERCY CLINTON SYDNEY Lord PENS- HURST. (<i>Viscount Strangford.</i>)
GEORGE ARTHUR HASTINGS Lord GRAN- NARD. (<i>Earl of Granard.</i>)	WILLIAM Lord TADCASTER. (<i>In an- other place as Marquess of Thomond.</i>)
HUNGERFORD Lord CREWE.	ULICK JOHN Lord SOMERHILL. (<i>Mar- quess of Clanricarde.</i>)
ALAN LEGGE Lord GARDNER.	JAMES Lord WIGAN. (<i>Earl of Balcarres.</i>)
THOMAS Lord MANNERS.	THOMAS Lord RANFURLY. (<i>Earl of Ranfurly.</i>)
JOHN Lord HOPETOUN and NIDDRY. (<i>Earl of Hopetoun.</i>)	GEORGE Lord DE TABLEY.
THOMAS Lord LYNEDOCH.	JAMES ARCHIBALD Lord WHARNCLIFFE.
ROWLAND Lord HILL.	CHARLES Lord FEVERSHAM.
JAMES ANDREW Lord DALHOUSIE. (<i>Earl of Dalhousie.</i>)	CHARLES ROSE Lord SEAFORD.
GEORGE Lord MELDRUM. (<i>Marquess of Huntly.</i>)	JOHN SINGLETON Lord LYNDHURST.
GEORGE Lord ROSS. (<i>Earl of Glasgow.</i>)	JAMES Lord FIFE. (<i>Earl of Fife.</i>)
WILLIAM WILLOUGHBY Lord GRIN- STEAD. (<i>Earl of Enniskillen.</i>)	JOHN HENRY Lord TENTERDEN.
EDMUND HENRY Lord FOXFORD. (<i>In another place as Earl of Limerick.</i>)	WILLIAM CONYNGHAM Lord PLUNKET.
FRANCIS ALMERIC Lord CHURCHILL.	THOMAS Lord MELROS. (<i>Earl of Had- dington.</i>)
WILLIAM Lord MELBOURNE. (<i>Viscount Melbourne.</i>)	HENRY Lord COWLEY.
WILLIAM GEORGE Lord HARRIS.	CHARLES Lord STUART DE ROTHESAY.
ALGERNON Lord PRUDHOE.	WILLIAM Lord HEYTESBURY.
CHARLES Lord COLCHESTER.	ARCHIBALD JOHN Lord ROSEBERY. (<i>Earl of Rosebery.</i>)
JOHN WILLIAM ROBERT Lord KER. (<i>Marquess of Lothian.</i>)	RICHARD Lord CLANWILLIAM. (<i>Earl of Clanwilliam.</i>)
FRANCIS NATHANIEL Lord MINSTER, (<i>Marquess Conyngham.</i>)	EDWARD Lord SKELMERSDALE.
	THOMAS Lord WALLACE.

THE LORDS' ROLL.

WILLIAM DRAPER Lord WYNFORD.
 HENRY Lord BROUGHAM and VAUX.
 WILLIAM GEORGE Lord KILMARNOCK.
*(Earl of Erroll.) (In another place
 as Lord Steward of the Household.)*
 ARTHUR JAMES Lord FINGALL. *(Earl
 of Fingall.)*
 CHARLES WILLIAM Lord SEFTON. *(Earl
 of Sefton.)*
 NATHANIEL Lord CLEMENTS. *(Earl of
 Leitrim.)*
 GEORGE WILLIAM FOX Lord ROSSIE.
(Lord Kinnaird.)
 THOMAS Lord KENLIS. *(Marquess of
 Headfort.)*
 JOHN CHAMBRE Lord CHAWORTH. *(Earl
 of Meath.)*
 ALEXANDER EDWARD Lord DUNMORE.
(Earl of Dunmore.)
 GEORGE JAMES Lord LUDLOW. *(Earl
 Ludlow.)*
 ROBERT MONTGOMERY Lord HAMILTON.
(Lord Belhaven and Stenton.)
 JOHN HOBART Lord HOWDEN.
 WILLIAM Lord PANMURE.
 GEORGE WARWICK Lord POLTIMORE.
 EDWARD PRYCE Lord MOSTYN.
 WILLIAM FITZHARDINGE Lord SE-
 GRAVE.
 HENRY SPENCER Lord TEMPLEMORE.
 WILLIAM LEWIS Lord DINORBEN.
 VALENTINE BROWNE Lord CLONCURRY.
 JAMES Lord DE SAUMAREZ.
 FRANCIS GODOLPHIN Lord GODOLPHIN.
 LUCIUS Lord HUNSDON. *(Viscount Falk-
 land.)*
 CHARLES CALLIS Lord WESTERN.
 THOMAS Lord DENMAN.
 JOHN WILLIAM Lord DUNCANNON.
 WILLIAM Lord FITZGERALD.
 JAMES Lord ABINGER.
 PHILIP CHARLES Lord DE L'ISLE and
 DUDLEY.

ALEXANDER Lord ASHBURTON.
 CHARLES Lord GLENELG.
 EDWARD JOHN Lord HATHERTON.
 JOHN Lord STRAFFORD.
 ARCHIBALD Lord WORLINGHAM. *(In
 another place as Earl of Gosford.)*
 CHARLES CHRISTOPHER Lord COTTEN-
 HAM. *(In another place as Lord
 Chancellor.)*
 HENRY Lord LANGDALE.
 EDWARD BERKELEY Lord PORTMAN.
 THOMAS ALEXANDER Lord LOVAT.
 WILLIAM Lord BATEMAN.
 FRANCIS WILLIAM Lord CHARLEMONT.
(In another place as Earl of Charlemont.)
 ANTHONY ADRIAN Lord KINTORE.
(Earl of Kintore.)
 CORNELIUS Lord LISMORE. *(Viscount
 Lismore.)*
 WARNER WILLIAM Lord ROSSMORE.
 ROBERT SHAPLAND Lord CAREW.
 WILLIAM FRANCIS SPENCER Lord DE
 MAULEY.
 JOHN Lord WROTTESELY.
 CHARLES Lord SUDELEY.
 PAUL Lord METHUEN.
 FREDERICK JAMES Lord BEAUVALE.
 RICHARD WOGAN Lord FURNIVAL.
(Lord Talbot of Malahide.)
 JOHN THOMAS Lord STANLEY of AL-
 DERLEY.
 HENRY Lord STUART DE DECIES.
 CHANDOS Lord LEIGH of STONELEIGH.
 PAUL BEILBY Lord WENLOCK.
 CHARLES Lord LURGAN.
 NICHOLAS WILLIAM Lord COLBORNE.
 ARTHUR Lord DE FREYNE.
 JAMES Lord DUNFERMLINE.
 THOMAS Lord MONTEAGLE of BRANDON.
 JOHN Lord SEATON.
 JOHN Lord KEANE.
 CHARLES Lord SYDENHAM.

MEM.—According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest; and so, when the House sends a Committee to a Conference with the Commons, the Lord highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.

LIST OF MEMBERS

RETURNED FROM THE RESPECTIVE COUNTIES, CITIES, TOWNS, AND BOROUGHS,
TO THE *FOURTH SESSION OF THE THIRTEENTH PARLIAMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND IRELAND, AND FOURTH OF QUEEN VICTORIA*
SUMMONED TO MEET FOR DISPATCH OF BUSINESS JANUARY, 26, 1841.

ABINGDON. Thomas Duffield.	Rt. hon. William Keppel viscount Barrington.	BRIDPORT. Henry Warburton, Swynfen Jervis.
ANDOVER. Sir John Walter Pollen, bt., Ralph Etwall.	BERWICK-UPON-TWEED. Richard Hodgson, William Holmes.	BRIGHTHELMSTONE. George Richard Pechell, Sir Adolphus John Dalrym- ple, bt.
ANGLESEY. Hon. Wm. Owen Stanley.	BEVERLEY. James Weir Hogg, Sackville Lane Fox.	BRISTOL. Philip William S. Miles, Hon. Francis Henry Fitz- hardinge Berkeley.
ARUNDEL. Hon. Henry Granville (How- ard) Lord Fitzalan.	BEWDLEY. Sir Thomas Edward Win- nington, bt.	BUCKINGHAM. Sir Thomas Fremantle, bt., Sir Harry Verney, bt.
ASHBURTON. Charles Lushington.	BIRMINGHAM. Joshua Scholefield, George Frederick Muntz.	BUCKINGHAMSHIRE. Sir William Young, bt., George Simon Har- court,
ASHTON-UNDER-LINE. Charles Hindley.	BLACKBURN. William Feilden, William Turner.	Caledon George Du Pré.
AYLESBURY. William Rickford, Charles J. Baillie Hamilton.	BODMYN. Sir Sam. Thomas Spry, knt., Charles C. Vivian,	BURY. Richard Walker.
BANBURY. Henry Wm. Tancred.	BOLTON-LE-MOORS. William Bolling, Peter Ainsworth.	BURY ST. EDMUND'S. Rt. Hon. Charles (Fitzroy) Lord C. Fitzroy,
BARNSTAPLE. Sir John Palmer Bruce	BOSTON. John S. Brownrigg, Sir James Duke, knt.	Hon. Fred. Will. (Hervey) Earl Jermyn.
Chichester, bt. Frederick Hodgson.	BRADFORD. Ellis Cunliffe Lister, William Busfield.	CALNE. Hon. Henry (Petty Fitz- maurice) Earl of Shel- burne.
BATH. Rt. hon. Richard viscount Powerscourt,	BRECKNOCKSHIRE. Thomas Wood.	CAMBRIDGE. George Pryme,
Wm. Heald Ludlow Bruges.	BRECON. Charles Morgan Robinson Morgan.	Sir Alexander Cray Grant.
BEAUMARIS. Frederick Paget.	BRIDGENORTH. Thos. Charlton Whitmore, Robert Pigot.	CAMBRIDGESHIRE. Richard Greaves Townley, Hon. Eliot Thomas Yorke, Richard Jefferson Eaton.
BEDFORD. Frederick Polhill, Samuel Crawley.	BRIDGEWATER. Henry Broadwood, Philip Courtenay.	CAMBRIDGE (UNIVERSITY) Rt. hon. Henry Goulburn, Hon. Charles Ewan Law.
BEDFORDSHIRE. Hon. Charles James Fox (Russell) Lord C. J. Fox Russell,		
Hon. John Hume (Cust) Visc. Alford.		
BERKSHIRE. Robert Palmer, Philip Pusey,		

<i>List of</i>	{COMMONS}	<i>Members.</i>
CANTERBURY.	COLCHESTER.	(<i>Southern Division.</i>)
James Bradshaw.	Richard Sanderson,	Montagu Edmund New-
CARDIFF.	Sir George Henry Smyth, bt.	combe Parker,
John Nicholl.	CORNWALL.	Sir John Buller Yarde
CARDIGAN.	(<i>Eastern Division.</i>)	Buller, bt.
Pryse Pryse.	Hon. Edward Granville	DORCHESTER.
CARDIGANSHIRE.	(Eliot) Lord Eliot,	Robert Williams,
William Edw. Powell.	Right hon. Sir Richard	Hon. Anthony Henry
CARLISLE.	Hussey Vivian, bt.	Ashley-Cooper.
Philip Henry Howard,	(<i>Western Division.</i>)	DORSETSHIRE.
William Marshall.	Edward William Wynne	Hon. Anthony (Ashley
CARMARTHEN.	Pendarves,	Cooper) Lord Ashley,
David Morris.	Sir Charles Lemon, bt.	Henry Charles Sturt,
CARMARTHENSHIRE.	COVENTRY.	Hon. John George Charles
Hon. George Rice Trevor,	Right hon. Edward Ellice,	Fox Strangways.
John Jones.	William Williams.	DOVER.
CARNARVON.	CRICKLADE.	Sir John Rae Reid, bt.,
William Bulkeley Hughes.	John Neeld,	Hon. Edward Royd Rice.
CARNARVONSHIRE.	Ambrose Goddard.	DROITWICH.
John Ralph Ormsby Gore.	CUMBERLAND.	John Somerset Pakington
CHATHAM.	(<i>Eastern Division.</i>)	DUDLEY.
Rt. hon. George Stevens	William James,	Thomas Hawkes.
Byng.	Hon. Charles Wentworth	DURHAM.
CHELTENHAM.	George Howard.	(<i>Northern Division</i>)
Hon. Craven Fitzhardinge	(<i>Western Division.</i>)	Hedworth Lambton,
Berkeley.	Edward Stanley,	Hon. Henry T. Liddell.
CESHIRE.	Samuel Irton.	(<i>Southern Division.</i>)
(<i>Northern Division.</i>)	DARTMOUTH.	Joseph Pease,
Hon. Edward John Stanley,	Sir John Henry Seale bt.	John Bowes.
William Tatton Egerton.	DENBIGH.	DURHAM (CITY.)
(<i>Southern Division.</i>)	Wilson Jones.	William Charles Harland,
George Wilbraham,	DENBIGHSHIRE.	Rt. hon. Hill Arthur vis-
Sir Philip de Malpas Grey	Hon. Hugh Cholmondely,	count Dungannon.
Egerton, bt.	Hon. William Bagot.	ESSEX.
CHESTER.	DERBY.	(<i>Northern Division.</i>)
Rt. hn. Robert (Grosvenor)	Edward Strutt,	Sir John Tyssen Tyrrell, bt.,
Lord R. Grosvenor,	Hon. John George Brabazon	Charles Gray Round.
John Jervis.	Ponsonby.	(<i>Southern Division.</i>)
CHICHESTER.	DERBYSHIRE.	Thomas William Branston,
Hon. Arthur (Lennox) Lord	(<i>Northern Division.</i>)	George Palmer.
A. Lennox,	Hon. Geo. Hen. Cavendish,	EVESHAM.
John Abel Smith.	William Evans.	Hon. Arthur Marcus Cecil
CHIPPENHAM.	(<i>Southern Division.</i>)	(Hill) Lord A. M. C. Hill,
Joseph Neeld,	Sir George Crewe, bt.,	George Bowles Rushout.
Henry George Boldero.	Francis Hurt.	EXETER.
CHRISTCHURCH.	DEVIZES.	Edward Divett,
Rt. hon. Sir George Henry	Thomas Henry Sutton	Sir William Webb Follett,
Rose G.C.H.	Sotheran,	knt.
CIRENCESTER.	George Heneage Walker	EYE.
Joseph Cripps,	Heneage.	Sir Edward Kerrison, bt.
Thomas William Chester	DEVONPORT.	FINSBURY.
Master.	Rt. hon. Sir George Grey,	Thos. Slingsby Duncombe,
CLITHEROW.	bt.,	Thomas Wakley.
John Fort.	Henry Tufnell.	FLINT.
COCKERMOUTH.	DEVONSHIRE.	Charles Whitley Deans
Edward Horsman,	(<i>Northern Division.</i>)	Dundas.
Henry Aglionby Aglionby.	Sir Thomas Dyke Acland,	FLINTSHIRE.
	bt.,	Sir Stephen R. Glynne, bt.
	Lewis William Buck.	

List of

{ COMMONS }

Members.

FROME.

Thomas Sheppard.

GATESHEAD.

Cuthbert Rippon.

GLAMORGANSHIRE.

Christopher Rice Mansel Talbot,

Hon. Edwin Richard Wyndham (Wyndham Quin) viscount Adare.

GLOUCESTER.

Henry Thomas Hope,
John Phillpots.

GLOUCESTERSHIRE.

(*Eastern Division.*)

Christopher William Codrington,

Hon. Augustus H. Moreton. (*Western Division.*)

Hon. George Charles Grantley Fitzhardinge Berkeley,
Robert Blagden Hale.

GRANTHAM.

Glynne Earle Welby,
Hon. Frederick James Tollemache.

GREENWICH.

Edward George Barnard,
Matthias Wolv. Attwood.

GRIMSBY (GREAT).

Edward Heneage.

GUILDFORD.

Charles Baring Wall,
Hon. James Yorke Scarlett.

HALIFAX.

Charles Wood,
Edward Protheroe.

HAMPSHIRE.

(*Northern Division.*)

Rt. hon. Charles Shaw Leffevre,

Sir William Heathcote, bt. (*Southern Division.*)

John Fleming,
Henry Combe Compton.

HARWICH.

Rt. hon. John C. Herries,
Alexander Ellice.

HASTINGS.

Rt. hon. Joseph Planta,
Robert Holland,

HAVERFORDWEST.

Sir Richard Bulkeley Philipps Philipps, bt.,

HELSTON.

John Bassett.

HEREFORD.

Edward Bolton Clive,
Daniel Higford Duvall Burr.

HEREFORDSHIRE.

Sir Robert Price, bt.,
Kedgwin Hoskins,
Edward Thomas Foley.

HERTFORD.

Hon. Philip Henry (Stanhope) visct. Mahon,
Hon. William Francis Cowper.

HERTFORDSHIRE.

Hon. James Walter (Grimston) visct. Grimston,
Rowland Alston,
Abel Smith.

HONITON.

Hugh Duncan Baillie,
James Stewart.

HORSHAM.

Robert Henry Hurst.

HUDDERSFIELD.

William Rookes Crompton Stansfield.

HUNTINGDON.

Jonathan Peel,
Sir Frederick Pollock, knt.

HUNTINGDONSHIRE.

Edward Fellowes,
George Thornhill.

HYTHE.

Hon. William Hugh (Elliot) Viscount Melgund.

IPSWICH.

Fitz Roy Kelly,
Sir Thomas John Cochrane, K.C.B.

KENDAL.

George William Wood.

KENT.

(*Eastern Division.*)

Rt. hon. Sir Edw. Knatchbull, bt.,

John Pemberton Plumptre. (*Western Division.*)

Thomas Law Hodges,
Sir Edmund Filmer, bt.

KIDDERMINSTER.

Richard Godson.

KING'S LYNN.

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Rt. hon. Sir Stratford Can-ning, G.C.B.

KINGSTON-UPON-HULL.

William Hutt,
Sir Walter Charles James, bt.

KNARESBOROUGH.

Henry Rich,
Hon. Charles Langdale.

LAMBETH.

Rt. Hon. Charles Tennyson D'Eyncourt,
Benjamin Hawes.

LANCASHIRE.

(*Northern Division.*)

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John Wilson Patten.

(*Southern Division.*)

Rt. hon. Francis (Egerton) Lord F. Egerton,
Hon. Richard Bootle Wilbraham.

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Thomas Greene,
George Marton.

LAUNCESTON.

Rt. hon. Sir H. Hardinge, K.C.B.

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Sir William Molesworth, bt.

LEICESTER.

John Easthope,
Wynn Ellis.

LEICESTERSHIRE

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Edward Basil Farnham.

(*Southern Division.*)

Henry Halford,
Charles William Packe.

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LICHFIELD.

Sir George Anson, G.C.B.,
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LINCOLN.

Charles Delaet W. Sibthorp,
Sir Edward G. E. Lytton Bulwer, bt

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Robert Adam Christopher.
(*Parts of Kesteven and Holland.*)
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Gilbert John Heathcote.
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Charles Buller.
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Creswell Creswell.
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William Crawford,
George Grote.
LUDLOW.
Henry Salwey,
Beriah Botfield
LYME REGIS.
William Pinney.
LYMINGTON.
Will. Alex. Mackinnon,
John Stewart.
MACCLESFIELD.
John Brocklehurst,
Thomas Grimdsitch.
MAIDSTONE.
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Benjamin D'Israeli.
MALDON.
Quintin Dick,
John Round.
MALMESBURY.
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MERTHYR TYDVIL.
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Spencer Horsey de Horsey.
NEWCASTLE-UPON-TYNE.
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William Ord.
NEWPORT.
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Henry Negus Burroughes.
(*Western Division.*)
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Will. Lyde Wiggett Chute.
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Will. Battie Wrightson.
NORTHAMPTON.
Robert Vernon Smith,
Raikes Currie.
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Christopher Blackett.
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Thomas Houldsworth.
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Lancelot Rolleston.
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John Fielden,
William Augustus Johnson.
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Donald Maclean,
William Erle.
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George Granville Harcourt
Thos. A. W. Parker,
Hon. Montague (Bertie) Lord Norreys.
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Sir Robert Harry Inglis, bt.
PEMBROKE.
Rt. hon. Sir Jas. Rob. Geo. Graham, bt.
PEMBROKESHIRE.
Sir John Owen, bt.
PENRYN AND FALMOUTH.
Edward John Hutchins,
James William Freshfield.
PETERBOROUGH.
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John Nicholas Fazakerley.
PETERSFIELD.
Cornthwaite John Hector.
PLYMOUTH.
Thomas Bewes,
John Collier.

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sonby,
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ton, bt.,

Rt. Hon. Francis Thornhill
Baring.

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wood, bt.,

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Richard Price.

RADNORSHIRE.

Sir John Benn Walsh, bt.

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Charles Fyshe Palmer.

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Hon. Arthur Duncombe.

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Dundas, K. C. B.,

RIPON.

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Rt. hon. Sir Edward Bur-
tenshaw Sugden, knt.

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John Fenton.

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Thos. Gibbon Money Penny.

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Grimston,
George Alfred Muskett.

ST. IVES.

William Tyringham Praed.

SALFORD.

Joseph Brotherton.

SALISBURY.

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Wadham Wyndham.

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(Northern Division.)

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(Southern Division.)

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Sir Rufane Shaw Donkin,

K. C. B.

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SHEFFIELD.

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Henry George Ward.

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Robert Ingham.

SHOREHAM (NEW.)

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bt.,

Harry Dent Goring.

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Robert Aglionby Slaney.

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(Eastern Division.)

William Gore Langton,
William Miles.

(Western Division.)

Edward Ayshford Sanford.
Thomas Dyke Acland.

SOUTHAMPTON.

Abel Rous Dottin,
Hon. Adam (Duncan) visct.
Duncan.

SOUTHWARK.

John Humphery,
Benjamin Wood.

STAFFORD.

Wm. Fawkener Chetwynd,
Robert Farrand.

STAFFORDSHIRE.

(Northern Division.)

Edward Buller,
Hon. William Bingham
Baring.

(Southern Division.)

Hn. Henry John (Chetwynd
Talbot) visc. Ingestrie,
Hon. George Anson.

STAMFORD.

Sir George Clerk, bt.,
Hon. Chas. Cecil John (Man-
ners) Marquess of Granby.

STOCKPORT.

Thomas Marsland,
Henry Marsland.

STOKE-UPON-TRENT.

John Davenport,
William Taylor Copeland.

STROUD.

Rt. hon. John (Russell)
Lord John Russell,
George Poulett Scrope.

SUDBURY.

Joseph Bailey.
George Tomline.

SUFFOLK.

(Western Division.)

Robert Rushbroke,
Harry Spencer Wadding-
ton.

(Eastern Division.)

Rt. hon. John Lord Hen-
niker,
Sir Charles Broke Vere.

K. C. B.

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William Thompson,
Andrew White.

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(Eastern Division.)

Henry Kemble.
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John Trotter.

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Cavendish,
George Darby.

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Lord J. G. Lennox,
Rt. Hon. Henry Charles
(Howard), Earl of Surrey.

SWANSEA.

John Henry Vivian.

TAMWORTH.

Rt. hon. Sir Robert Peel, bt.,
Edward Henry A'Court.

TAUNTON.

Rt. hon. Henry Labouchere,
Edward Thos. Bainbridge.

TAVISTOCK.

Hon. William (Russell)
Marquess of Tavistock.
John Rundle.

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Members.

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John Martin.

THETFORD.
Hon. Henry (Fitzroy) Earl of
Euston,
Hon. Francis Baring.

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Sir Samuel Crompton, bt.

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Viscount Palmerston.

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Hon. Edward Adolphus
(Seymour) Lord Seymour,
Charles Barry Baldwin.

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William Clay,
Rt. hon. Stephen Lush-
ington,

TRURO.
John Ennis Vivian,
Edmund Turner.

TYNEMOUTH.
Sir Charles Edward Grey,
knt.

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Hon. William Saunders Se-
bright Lascelles.

WALLINGFORD.
William Seymour Black-
stone.

WALSALL.

WAREHAM.
John Hales Calcraft.

WARRINGTON.
John Ireland Blackburn.

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William Collins.

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William Stratford Dugdale.
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Evelyn John Shirley.

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Wm. Goodenough Hayter.

WENLOCK.
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Forester,
James Milnes Gaskell.

WESTBURY.
John Ivatt Briscoe.

WESTMINSTER.
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John Temple Leader.

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Rt. hon. William (Lowther)
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Hon. Henry Cecil Lowther.

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COMBE REGIS.**
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(Villiers) Visc. Villiers,
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Aaron Chapman.

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William Ewart.

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A'Court Holmes.

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Edward Baker.

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Hon. Sidney Herbert.

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Paulett St. John Mildmay,
James Buller East.

WINDSOR.
John Ramsbottom,
Robert Gordon.

WOODSTOCK.
Frederic Thesiger.

WOLVERHAMPTON.
Thomas Thorneley,
Hon. Charles Pelham Vil-
liers.

WORCESTER.
Thomas Henry H. Davies,
Joseph Bailey.

WORCESTERSHIRE.
(*Eastern Division.*)
Sir Horace St. Paul, bt.
John Barneby.
(*Western Division.*)
Hon. Henry B. Lygon,
Henry Jeffreys Winnington.

WYCOMBE (CHIPPING.)
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George Henry Dashwood.

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William Wilshire.

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Hon. John Chas. Dundas.

YORKSHIRE.
(*North Riding.*)
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Edward S. Cayley.
(*East Riding.*)
Richard Bethell,
Henry Broadley.
(*West Riding.*)
Rt. hon. Geo. Will. Fred.
(Howard) Viscount Mor-
peth,
Sir George Strickland, bt.

SCOTLAND.

ABERDEEN.
Alexander Bannerman.

ABERDEENSHIRE.
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ARGYLESIRE.
Walter Fred. Campbell.
Ayr, &c.

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(Crichton Stuart) Lord
P. J. H. C. Stuart.

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Viscount Kelburne.

BANFSHIRE.
James Duff.

BERWICKSHIRE.
Sir Hugh Purvis Hume
Campbell, bt.

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Rt. hon. Sir Will. Rae, bt.

CAITHNESS-SHIRE.
Sir George Sinclair, bt.

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KINROSS-SHIRE.**
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Cupar, &c.

Edward Ellice.

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Sir James Colquhoun, bt.

DUMFRIES, &c.
Matthew Sharpe.

DUMFRIES-SHIRE.
John James H. Johnstone.

DUNDEE.
Rt. hon. Sir Henry Par-
nell, bt.

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Members.

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Sir John Campbell, knt.,
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Macauley.

EDINBURGHSHIRE.

William Gibson Craig.

ELGIN, &c.

Hon. Fox Maule.

ELGINSHIRE and NAIRNE.

Charles Lennox Cumming
Bruce.

FIFESHIRE.

James Erskine Wemyss.

FORFARSHIRE.

Hon. Douglas (Gordon Hal-
lyburton) Lord D. G.
Hallyburton.

GLASGOW.

John Dennistoun,

James Oswald.

GREENOCK.

Robert Wallace.

HADDINGTON, &c.

Robert Stewart.

HADDINGTONSHIRE.

Sir Thomas Buchan Hep-
burn, bt.

INVERBERVIE, &c.

Patrick Chalmers.

INVERNESS, &c.

James Morrison.

INVERNESS-SHIRE.

Henry James Baillie.

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Hon. Hugh Arbuthnot.

KIRKCUDBRIGHT.

Alexander Murray.

KIRK WALL, &c.

James Loch.

LANARKSHIRE.

Alex. Macdonald Lockhart.

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LINLITHGOW, &c.

William Downe Gillon.

LINLITHGOWSHIRE.

Hon. James Hope.

ORKNEY and SHETLAND

SHIRES.

Frederick Dundas.

PAISLEY.

Archibald Hastie.

PEEBLESHIRE.

William Forbes Mackenzie.

PERTH.

David Greig.

PERTHSHIRE.

Henry Home Drummond.

RENFREW, &c.

John Campbell Colquhoun.

RENFREWSHIRE.

George Houssoun.

**ROSS AND CROMARTY-
SHIRES.**

Thomas Mackenzie.

ROXBURGHSHIRE.

Hon. John Edmund Elliot.

SELKIRKSHIRE.

Alexander Pringle.

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Lord Dalmeny.

STIRLINGSHIRE.

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cromby.

SUTHERLANDSHIRE.

David Dundas.

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WIGTONSHIRE.

James Blair.

IRELAND.

ANTRIM.

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O'Neill,

John Irving.

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Viscount Acheson,

William Verner.

ARMAGH (BOROUGH.)

John Dawson Rawdon.

ATHLONE.

John O'Connell.

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Joseph Devonsher Jack-
son.

BELFAST.

James Emerson Tennent,

George Dunbar.

CARLOW.

John Ashton Yates,

Henry Bruen.

CARLOW (BOROUGH.)

Thomas Gisborne.

CARRICKFERGUS.

Peter Kirke.

CASHELL.

Joseph Stock.

CAVAN.

John Young,

Henry John Clements.

CLARE.

Wm. Nugent M'Namara,

Cornelius O'Brien.

CLONMEL.

Rt. hon. David Rich. Pigot.

COLERAINE.

Edward Litton.

CORK.

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Edmond Burke Roche.

CORK (CITY.)

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Francis Bernard Beamish.

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Edward Michael Conolly.

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Sandys Trumbull Wind-

sor (Hill) Earl of Hills-

borough,

Rt. hon. Fred. (Stewart)

Viscount Castlereagh.

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David Kerr.

DROGHEDA.

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merville, bt.

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Lord Brabazon.

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Daniel O'Connell,

Robert Hutton.

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Thos. Nicholas Redington.

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Northland.

DUNGARVAN.

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ENNIS.

Hewitt Bridgman.

ENNISKILLEN.

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Thomas B. Martin,

John James Bodkin.

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 Robert Archbold.
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 Hon. Pierce Butler,
 George Bryan.
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 Joseph Hume.
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 Hon. John Craven Westenra.
 KINSALE.
 Henry Thomas.
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 Samuel White,
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 William Smith O'Brien.
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 Theobald Jones.

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 Henry White.
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 Rich. Montesquieu Bellew,
 Thomas Fortescue.
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 Jephson Norreys, bt.
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 Matthew Elias Corbally.
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 PORTARLINGTON.
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 John Wilson Fitzpatrick.
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 John Hyacinth Talbot.
 ROSSCOMMON.
 Dennis O'Connor,
 Fitzstephen French.

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 Alexander Perceval.
 SLIGO (BOROUGH.)
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 Right hon. Richard Lalor Sheil.
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 Maurice O'Connell.
 TYRONE.
 Right hon. Henry Thos.
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 William Villiers Stuart,
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 Henry Winston Barron,
 Thomas Wyse.
 WESTMEATH.
 Sir Montague Lowther
 Chapman, bt.,
 Sir Richard Nagle, bt.
 WEXFORD.
 John Maher,
 James Power.
 WEXFORD (BOROUGH.)
 Charles Arthur Walker.
 WICKLOW.
 James Grattan,
 Sir Ralph Howard, bt.
 YOUGHALL.
 Frederick John Howard.

HANSARD'S PARLIAMENTARY DEBATES,

DURING THE *FOURTH SESSION* OF THE *THIRTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN AND IRELAND*, APPOINTED TO MEET AT WESTMINSTER, 26TH JANUARY, 1841, IN THE FOURTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, January 26, 1841.

OPENING OF PARLIAMENT.] Her Majesty, in person, opened the Parliament, the usual ceremonies having been gone through, by the following most gracious Speech.

"My Lords and Gentlemen,

"I have the satisfaction to receive from Foreign Powers assurances of their friendly disposition, and of their earnest desire to maintain peace.

"The posture of affairs in the Levant had long been a cause of uneasiness, and a source of danger to the general tranquillity. With a view to avert the evils which a continuance of that state of things was calculated to occasion, I concluded with the Emperor of Austria, the King of Prussia, the Emperor of Russia, and the Sultan, a Convention intended to

effect a pacification of the Levant; to maintain the integrity and independence of the Ottoman empire; and thereby to afford additional security to the peace of Europe.

"I have given directions that this Convention shall be laid before you.

"I rejoice to be able to inform you that the measures which have been adopted in execution of these engagements have been attended with signal success; and I trust that the objects which the contracting parties had in view are on the eve of being completely accomplished.

"In the course of these transactions, my naval forces have co-operated with those of the Emperor of Austria, and with the land and sea forces of the Sultan, and have displayed upon all occasions their accustomed gallantry and skill.

"Having deemed it necessary to send to the coast of China a naval and military force, to demand reparation and redress for injuries inflicted upon some of my subjects by the officers of the Emperor of China, and for indignities offered to an agent of my Crown, I, at the same time, appointed plenipotentiaries to treat upon these matters with the Chinese government.

"These plenipotentiaries were, by the last accounts, in negotiation with the government of China, and it will be a source of much gratification to me, if that government shall be induced by its own sense of justice to bring these matters to a speedy settlement by an amicable arrangement.

"Serious differences have arisen between Spain and Portugal, about the execution of a treaty concluded by those Powers in 1835, for regulating the navigation of the Douro. But both parties have accepted my mediation, and I hope to be able to effect a reconciliation between them upon terms honourable to both.

"I have concluded with the Argentine Republic, and with the Republic of Hayti, treaties for the suppression of the Slave-trade, which I have directed to be laid before you.

"Gentlemen of the House of Commons,

"I have directed the Estimates of the year to be laid before you.

"However sensible of the importance of adhering to the principles of economy, I feel it to be my duty to recommend that adequate provision be made for the exigencies of the public service.

"My Lords and Gentlemen,

"Measures will be submitted to

you without delay, which have for their object the more speedy and effectual administration of justice. The vital importance of this subject is sufficient to ensure for it your early and most serious consideration.

"The powers of the Commissioners appointed under the Act for the Amendment of the Laws relating to the Poor, expire at the termination of the present year. I feel assured, that you will earnestly direct your attention to enactments which so deeply concern the interests of the community.

"It is always with entire confidence that I recur to the advice and assistance of my Parliament. I place my reliance upon your wisdom, loyalty, and patriotism; and I humbly implore of Divine Providence that all your councils may be so directed as to advance the great interests of morality and religion, to preserve peace, and to promote by enlightened legislation the welfare and happiness of all classes of my subjects.

As soon as the Queen had concluded the Speech, her Majesty was handed from the Throne, and, accompanied by Prince Albert, left the House in the same form as upon her entrance.

The House adjourned during pleasure.

ADDRESS IN ANSWER TO THE SPEECH.]
The House resumed.

Her Majesty's Speech having been again read,

The Earl of *Ducie* rose and said, it appeared to him to have always been the custom in that House, in moving the Address in answer to the Speech from the Throne, to fix upon the most inexperienced person for that purpose. His noble friend (Viscount Melbourne) had not on the present occasion proved himself a very strenuous reformer, and he hoped that their Lordships would not prove such unusual reformers as not to concede to him that courteous forbearance which had hitherto been conceded to persons similarly situated. It was most gratifying to

him to find from her Majesty's gracious speech from the Throne, that her Majesty had received from foreign powers assurances of their desire to maintain relations of peace and amity with this country; and it was still more gratifying to him to find, that the first wish and object of her Majesty was to maintain that peace which was so essential to the welfare and the happiness of the country, depending as this country did, from its position among the nations of Europe, upon her manufactures and commerce. But, dear and necessary as peace might be, he was the last person to wish that England should lose that influence on the Continent which enabled her to interfere in cases where interference was necessary, and more especially in such a case as that which had arisen in the East, where our interference had been occasioned by our desire and hope to maintain peace. That blessing, he believed, would be speedily realised to us. He must say that, in his opinion, they owed a debt of gratitude to the heads that had planned and the arms that had effected the capture of Chusan. He had every reason to hope and believe that our differences with China would be brought speedily to an end: although perfectly aware of the dilatory nature of the Chinese, he hoped that the occupation of the island of Chusan would act as a spur upon their diplomacy. With regard to those points of legislation to which their Lordships' attention would be drawn, it was useless for him to take up their Lordships' time in making remarks, as in those instances referred to, the principles had been admitted by that House, and indeed by the Legislature. Since their Lordships had assembled last year, there had occurred great and mighty changes, having, as he thought, a most beneficial bearing upon the future prospects of this country. In India they had every reason to hope for tranquillity and for an opportunity of cultivating in that country more extensively the arts of peace. Canada exhibited no symptoms of political disturbance, but, on the contrary, presented a satisfactory feeling with reference to the new constitution for the two provinces. With regard to domestic politics, the country was in the enjoyment of quiet. Our agricultural prospects generally were in a state of improvement, and our manufactures had recovered from that depressed state in which they had some time been, and had quite resumed that state of limited and uncertain prosperity beyond which they

could not go so long as there existed restrictive duties of such a nature as rendered it impossible for any foresight and caution to prevent the recurrence of famine prices and their fatal consequences. At that present moment there existed a large field for the commercial industry of this country to extend itself. He did not believe, that in the history of this country a better opportunity had ever been offered to the spirit and enterprise of our merchants. As regarded our commercial affairs, it was necessary that he should take a short retrospective glance to the state of derangement in which our commercial affairs had lately been, and in which they had continued since the summer of 1839. The first cause was the contraction of the currency; there was, secondly, the great discredit into which the United States of America had fallen; there was also the stoppage of our trade with China; there was the blockade by France of the South American ports; and, lastly, there was the uncertain state of our commercial relations with France. Since there had existed no doubt of the continuance of peace, the foreign exchanges had acquired so much steadiness that there was every reason to hope that the usually great commerce of this country would produce balances of payment so far in favour of this country, that the bullion would again return to the coffers of the Bank of England, and the money market of London be relieved from the pressure that now weighed it down, and from the high rate of interest that had existed for some time. This would be a great relief to the internal trade of the country, and would enable the banks to afford that accommodation which had so important a bearing on the national industry. Having these prospects of the improvement of trade, he had also the satisfaction of believing, that many of those causes that had hitherto pressed upon our commercial interests were either removed or were in the course of removal. The settlement of the eastern question had again opened the trade of Syria and Egypt, and he did not think that he should be too sanguine in hoping that the legitimate influence of England must ultimately, by the part she had taken, produce an extended commercial intercourse in those parts. The cessation of the blockade by France of the South American ports would also produce an increased commercial intercourse with those parts, and the wise recognition of the independence of the states of Texas had

opened a large field to the spirit and enterprise of our merchants and manufacturers. From the last accounts that had been received from the eastern seas there was every reason to believe that our differences with China would be adjusted, and he did not think he was too sanguine in saying that he hoped and trusted and believed that arrangements would be made upon a foundation that would fully provide indemnity for the past and security for the future, and at the same time extend our commercial relations with that large empire. Among our prospects of commerce no spot was more bright, or caused greater congratulation, than the evidence that had lately been received of the restoration of credit with the United States. From the magnitude of the transactions, and the extended intercourse that had taken place between this country and the United States, it was impossible but that the derangement of internal credit for the last four years should have been heavily and grievously felt by our merchants and manufacturers. That evil was now fast passing away, and there was every reason to hope that the former extended intercourse would be gradually resumed to the great advantage of both countries. It would be hardly doing justice to the people of the United States if he missed that opportunity of calling their Lordships' notice to their honour and good faith, in punctually fulfilling their engagements with their foreign creditors. They had set a good example to their neighbours in South America, and indeed not a bad one for some of the older states of Europe. It was gratifying to him to find that those prospects of extended commercial relations were not likely to be disturbed by any interruption of the general peace of the world. Having made these few remarks, he could not but just draw their Lordships' attention to the uniform success that had attended the policy of her Majesty's Ministers. It must be conceded that they had at this moment domestic quiet, and, as regarded our foreign relations, they had every prospect of peace and extended commerce. He had heard it said, that these happy results were the consequences of good fortune. He, however, entertained a very different opinion. He attributed the one to the firm administration of the existing laws; and the prospects of peace and of extended commerce were in his opinion mainly to be attributed to the straightforward and

manly course taken by the noble Lord, the Secretary for Foreign Affairs. There was one other point to which he must call their Lordships' attention. It was, indeed, a subject of thanks, but of thanks to a higher power than any earthly power—he alluded to the safe delivery of her Majesty, and to the birth of an heiress to the Throne. There was no reflecting person either in that House, or in the whole kingdom, who had not and did not most sincerely return thanks to the All-wise disposer of events, that there was every hope that the inheritance of the Throne of these realms would descend in the direct line. He felt so certain that their Lordships would concur in that opinion, that he was sure that they would cordially adopt that part of the Address to which he had last alluded, and which Address he moved, be adopted by their Lordships. The noble Earl read and moved an address, the echo of the Speech from the Throne.

Lord *Lurgan* said, that in rising to second the Address which had just been moved by the noble Earl, he was conscious of so many deficiencies on his own part, and of his utter inability to perform the task which now devolved upon him in the manner in which he always wished to perform every duty before their Lordships, that, at the very outset, he would put forward an humble claim for their kindness and indulgence. If left entirely to his own inclination he would rather have shrunk from the performance of the duty altogether, but his duty urged him onward to the task, feeling assured that he should experience at the hands of their Lordships forgiveness in all those points in which he should feel himself inadequate to the importance of the occasion. He felt deeply on the one hand his own insufficiency, but on the other hand he was willing to confess that, when he glanced for a moment at the topics mentioned in the royal speech, or ran, however briefly, over the great and interesting events brought before them from the Throne, as soon as he looked away from himself and looked only at the cause which he was called upon to support, his courage returned—he felt the strength of the cause which had been put by the noble Earl—strength not to be weakened or impaired even by the weakness of his advocacy. He thought, that if ever men in the position that night occupied by the noble Earl and himself were entitled to speak confidently, and to anticipate sanguinely, surely they were on the pre-

sent occasion, under the auspicious circumstances with which this Session opened. He wished that these auspicious circumstances had infused some bright beams into the present Address. Naturally disposed to look with affection and partiality towards this production of the noble Lord, he could not discover any bright anticipations indulged in. This Address, like every other he had heard in that House, with one exception which would now be present to the minds and dear to the hearts of all their Lordships, with the single exception of the paragraph relating to the birth of the Princess Royal, was but a copy, a dull copy, a spiritless echo of the communication which they had heard from the Throne. He did not think the worse of it for that. It appeared to him to be a good sign of the state of the country, and to say something of the practical working of the constitution when the Sovereign could so speak out in the face of day before the assembled Parliament, as to draw forth a faithful response, even an echo of her sentiments in the answer to it. It seemed to him to say something for the position of the people, and the suitableness of the Government when the Parliament could so discharge its duty to the country as well as to the Crown, as to desire to send back no better answer on the part of the people than that which had been put on their lips by the parental and constitutional suggestions of the Throne itself. Therefore the Address was an echo of the royal Speech, and he trusted that it would meet with their Lordships' unanimous and cordial approval. Such was the happy position of affairs at present, that they could not better perform their duty than by merely sending as an answer the echo of the Speech itself. The Address of that night contained not merely the expression of political opinions—it embodied the expression of natural sentiment. It appealed deeply to the souls of all listeners, and unanimity would, at any rate, exist amongst them on this the first night of their proceedings. On that subject which was nearest to their hearts and minds, and congratulation on which would naturally be the first to spring from their lips, he was sure it was not with ordinary emotions—it was not with dull and hackneyed sentiment—that they had heard that paragraph in the Address which proposed to take up their congratulations to the foot of the Throne on the happy birth of the Princess Royal. He was sure that they would unanimously re-

spond to that call. He was confident that with truth he might state, on the part of every man in their Lordships' House—sympathising as each and all of them did with the whole British nation, from one corner to the other—that they longed for this opportunity of expressing, in their collective capacity, their unfeigned joy, their hearty thanksgiving to Him in whose hands were life and death, that the travail and solicitude of their Monarch were now all but forgotten in the happiness which had succeeded them. Many of their Lordships had been present on the auspicious day on which her Majesty, with due wisdom and foresight, had entered into that married state of partnership which had both divided her care, and in some measure diminished her responsibility; and it was well known to all of their Lordships that consequent upon the wisdom and virtuous selection of that day the Palace of England might be pointed out as the best specimen of domestic happiness which England herself, rich and virtuous as she undoubtedly was in all her social and domestic relations, could exhibit. Since they had last assembled in that House, their Lordships had passed through an interval of critical importance, and of the utmost moment to that country and to Europe. He by no means intimated that the late negotiations and transactions which had been carried on with respect to Egypt and Syria, had been carried on without the most imminent risk—nay, the probability of war—and the public journals of the day might point out to them how nigh that country had been to a war. But those who conducted the ship best knew how to take it through the mist, and shoals, and the mazes—

“Intricate, concentric, intervolved”—

of that line of policy and diplomacy which they had been obliged to resort to; and he, for one, put his confidence in that policy which had so successfully and honourably carried that country through its difficult position. He had the most perfect reliance upon the public men at the head of affairs, who had conducted the vessel of the State prudently and properly to the stage at which they had now arrived. He must also state, that, resting his belief on the common sources of information, and deriving his opinions from the outside scope of affairs, and altogether ignorant of the by-play and under-current of these proceedings, he certainly had had

serious apprehensions, and he could scarcely meet with so inconsiderate a being as one who could not be induced to think that the race of European peace was well nigh run, and that the well of European peace was well nigh drained; and that the long friendship which had subsisted between that country and the opposite side of the channel was almost at an end. He had almost dreaded the arrival of that day, and he had now the inexpressible delight of hearing, in the first part of her Majesty's Speech from the Throne, the welcome and harmonious sounds, that her Majesty continued to receive from all Foreign Powers the assurances of their unabated desire to be at peace with that country. He believed the crowned heads of Europe had a sincere desire for the maintenance of peace. If any wisdom was to be derived from experience, it was that "War was a game which, were their subjects wise, Kings would not play at." It was a fearful game to play at—it was a dreadful game to lose at. He had no difficulty whatever, therefore, in uttering his assent to this sentiment in the Speech. It should, however, be remembered that it was said Kings would not play at war "were their subjects wise," and here was an interesting and important inquiry. He doubted not the gentlemen in the House of Commons would look sharp into the exigencies of the public service. It was not from throned potentates, nor from the upper ranks of society, that they had reason to apprehend war now-a-days; the question was, whether their subjects were wise, whether the people were sufficiently wise, instructed, and virtuous, to restrain those warlike instincts, and to keep from the rash madness of the war party around them. All they could do for this end, was to have their hopes and prayers, and he certainly thought he heard similar sentiments in every direction. He thought surely his vision was not paltered with in a "double sense," and that he perceived the advent of the olive branch that had told him these days of strife were passed, and that they had reached the place of safety and peace, the waters having subsided. He believed, that the glorious Minister of France to whom had been confided the reins of power, had already done much for the improvement of the nation, and by the honesty of his proceedings he had maintained peace at home, the result of which would be to ensure it abroad. He, therefore, thought, that this country

had a well-founded hope, that they would enjoy the bliss of peace. There might have been altercations in past years, and they might still have them; there might be alarming appearances, but still he had no hesitation in saying the peace of Europe would be preserved. He felt great pride and satisfaction at the valorous achievements which had been effected by the British arms in Syria. He was sure, that the best results for the whole of Europe would be secured thereby. He also could not but congratulate their Lordships, that the British navy had again come to light, and that the wooden walls of Old England had shown themselves as strong as ever. He congratulated their Lordships that the British ships and crews under commodore Napier had come up to Acree, not only at the very nick of time, but at the nick of place. Much had been said about the arsenals of England being deficient in men and ships. Now what was the fact? Why the arsenals had proved themselves, notwithstanding all that had been said against them, perfectly competent for every purpose for which they were wanted, when required. Every ship had been fully manned, and no want of arms, men, or ammunition had been experienced. The crews and officers of our ships had done their duty to the entire satisfaction of the Queen of England, and to the entire satisfaction of their grateful country. But he would discharge from his consideration all doctrines of chances, or of dice, or of demonology. He had no trust in them, he trusted in nothing so whimsical, so capricious, or so deficient. Nor did her Majesty trust in them. Queen Elizabeth, when her fleet was delivered from enemies and from tempest, thought it no derogation from her victory, or from the exploits of her gallant subjects, to attribute her successes entirely to God's protection, and so would one as great as she, be ever ready to acknowledge the great protection which had been vouchsafed to her, and to say, God's Providence hath protected me, so that mine enemies shall not prevail against me. Throughout these eventful scenes nothing had been more conspicuous than the high principles and the unimpeachable integrity and good faith of the British Government. The desire of promoting the public good and the general peace of the world, had been the distinguishing feature of all the words and actions of the British Government. Throughout the whole of the negotiations on this

Egyptian question, he would say there was no pretence for any insinuation that England in putting forth her own power, or that of her Allies, had been influenced by any motives of territorial aggrandizement, whether as regarded Egypt, or Syria, or Acre, or any other territory, or by any attempt or desire to add to the number of the British dependencies. Such an idea had never entered into the heads or the hearts of those who ruled this country, and if from all the documents that had been brought forward, from all that had been written on the question in this country or in Europe, such a thing could be made manifest, then would he admit that he was ignorant and presumptuous, and that the English in those negotiations had been intriguing and ambitious. The policy of the Government had been plain and distinct; in all respects it had been followed out in sincerity, as the wisest and best course. With it there was no impossibility, and we had gathered into our granary the wonderful advantages resulting from a steady adherence to that principle in all our foreign affairs. He would state most unhesitatingly that if ever there was cause for congratulation—for national joy—for the success of British arms—it was now when our soldiers and our sailors had covered themselves with glory. Syria was rescued in one short campaign, yet our conduct had been forbearing—it was honest and straightforward towards the defeated party. All complaints had seemed to resolve themselves into a charge that the Government had departed from the policy of peace and non-intervention which they had declared upon their assumption of office—that they had interfered in the affairs of another country—and that by so doing we had been estranged from our ally France. But circumstances had rendered the intervention not only expedient but necessary, and every exertion had been made to carry all Europe with us. The great majority of the Powers had gone along with us through every step of the negotiations, and this country had offered to make any sacrifice short of the principle of the whole question, in order to unite all Europe in the settlement of the cause. With respect to China he had, from the very first, approved of the policy of despatching a naval and military force to the coast of China. The indignities and injuries they had sustained—the imprisonments and insults they had been subjected to were such as to excite the indignation

of the entire British nation, and the almost unanimous opinion of a cloud of witnesses coupled with a recorded opinion of the greatest man that ever lived, and, thank God, still lived, were all in favour of the expedition to the coast of China. He would not refer to the moderation and forbearance that had marked the proceedings of that armament; they had tempered their power with moderation towards the defenceless people of a defenceless coast, and it was no part of the policy, although they drew the sword, to dispense with more peaceful agents. He trusted, as they had embarked on these waters, that their demands would be equal to the emergency of the case—he trusted satisfaction would be demanded for all the insults and injuries that had been heaped upon them. He could not for a moment believe, although such rumours had reached him, that any stipulations or treaties would be entered into, and that satisfaction for the insults offered to them by the Chinese government would be obtained through the medium of a piece of parchment. He hoped they would have some such security as they at present held. The whereabouts had been well chosen, but they might rely upon it that the moment they relaxed their grasp every thing they had done would be the same as if it had not been done at all, and the hopes of the expedition would be miserably defeated and disappointed. He had gone more at length into these subjects than he had intended, and was afraid he had wearied their lordships, for all the best things had been snapped up by the noble Lord who had preceded him, and in seconding the address he was placed in the awkward position of one who had nothing left but the fragments of a former feast to serve up to a second table. Upon a review of all these things, he agreed there remained much to be done—much to be handled with forbearance, delicacy, and judgment, and much to be well done and done quickly. He would observe, however, that Continental peace had been preserved, and that was no small matter. Throughout all the contentions that had recently taken place, no act that could excite the ill will of other powers had been committed. If the Ottoman empire had been carved out into prizes for enterprising warriors and avaricious statesmen, that might have led to interminable war with other powers; but he was not called upon to enter into any such question as that. He had not to dwell upon discomfi-

tures and disappointments, or British failures and defeats; on the contrary, their Lordships had to commemorate signal successes. We had not failed in the Levant; nor had we failed anywhere else, thank God; and that was the bill of fare for that evening.—Their Lordships had now an opportunity of causing the hearts of the royal parents to leap for joy when they took up to her Majesty the congratulations of the country and of the Legislature upon the birth of her first-born, filling the bosom of the Queen of England with renewed pride and exultation. They had an opportunity of taking up to the Throne a manifestation of that loyalty on which her Majesty relied with such entire confidence; and under these circumstances he would ask whether his anticipations had been too sanguine, when he expressed his belief that the Address would meet with their Lordships' cordial and unanimous approval?

Lord *Brougham* did not mean to go over the topics on which his noble Friend had addressed their Lordships; but although quite aware that an address, in answer to a speech from the Throne, in no way whatever pledged those who agreed to the address to any one proposition contained in it; although this had been often repeated with respect to addresses in both Houses of Parliament, yet, as it was apt to be forgotten in discussions, and at an after period of the Session also apt to be forgotten, he thought it peculiarly incumbent on him not to allow the present address to pass in silence. He meant to offer no opposition to it, but generally to remind their Lordships that no one who concurred in that vote pledged himself to any one proposition contained in the address. This would dispense with the necessity, on his part, of protesting against a very large portion, he was sorry to say, of the speech which had just been made by his noble Friend. But there was one part of that speech to which he was compelled to advert. Would that he could believe that the statements of his noble Friend were authorized by her Majesty's Government. His noble Friend had congratulated their Lordships, as well he might, if there was any foundation for it, on the Crown having received unabated assurances from all foreign powers of their disposition to maintain the most friendly relations with this country. But that was not in the present Speech from the Throne. It was in the

speech of last year. It was not in this year's Speech. He would read both to their Lordships, for the comparison suggested to his mind matter of gloomy apprehension, which, however, would be dispelled at once, if his noble Friend near him (Viscount Melbourne) would take upon him to repeat that what his noble Friend had said in seconding the address applied to their present position; because, if his noble Friend did make such an assertion, of course, he would have grounds for applying to their present position the announcement of last year's speech, which applied to the position twelve months ago. The Speech of this year said, "I have the satisfaction to receive from foreign powers assurances of their friendly disposition, and of their earnest desire to maintain peace." But last year's speech said, "I continue to receive from foreign powers assurances of their unabated desire to maintain with me the most friendly relations." No man who heard him—no man in the country—would more heartily rejoice at hearing from his noble Friend, that those words could be applied to our present position, that assurances had been received from France of the unabated desire of the French government to maintain with this country the most friendly relations. This would relieve him from the painful impressions of those things which had taken place within the last six months, and which, having been in preparation for some months preceding the prorogation of Parliament, had naturally filled his mind with deep and gloomy apprehensions. For it was a reflection which might well beget gloom and despondency, that those friendly dispositions had been changed; that that good understanding had been interrupted; that the alliance of ten years' standing between England and France had been terminated, at least for the present—that alliance which had knit together those two great nations, and which, by binding them in the habits and feelings of amicable intercourse, had secured the peace of Europe and of the world. It was a grievous thing to have to add to that reflection, that the work of slaughter in one part of the world had already commenced; that we had engaged, he would not say, in wars which would have no triumph, or which had had already none, but in wars in which the valour, and skill, and gallantry of our troops might win triumphs, but triumphs of such a nature as to damp our exulta-

tions with feelings of a very different kind. The victories which the necessity of the case compelled those gallant troops to win for us, seemed to him to place them pretty much in the same situation with those who went before them and were ornaments of the same service five-and-thirty years ago, and which were pronounced, by men of various grades of opinion, differing most widely on other topics—not only by Mr. Fox and Lord Grey, but by Lord Spencer, Lord Grenville, and by Mr. Wyndham himself—objects of condolence, rather than of pure, unmingled congratulation. It was possible that all this might be justified. It was possible that all this might be defensible. But if it was defended with success, if it was capable of justification, it must be on the ground not of any remote policy, or interest, or expediency, but on the ground of necessity, on the ground of danger, not remote but immediate—all but inevitable, and to be averted in no other way. On these grounds, and on these alone, could the things be justified which had been done, or the policy be defended which had been adopted. Although thus expressing his sentiments without reserve upon the present state of our foreign relations, he was yet bound in justice to himself to express a certain degree of dissent from an opinion which of late years had to some extent prevailed. The opinion to which he alluded had been carried to an extreme in which he never had concurred—namely, that the best policy for England to pursue was to keep aloof from the affairs of the continent, to shut ourselves up in our insular position, to take no more concern in the affairs of the continent of Europe than did the United States of America. Trading with all, friendly with each, but standing aloof in the security of our coast. Permitting no one to insult our flag, or injure our subjects, but still not interfering unless in cases of direct injury or insult to ourselves. Now in that extreme opinion he never had concurred. Would that it were possible, from our position, or from the nature of human affairs, that such policy could be pursued by us; but it was his belief that unhappily, it was impossible. But there was a wide difference between never interfering at all in continental policy, and perpetually and incessantly intermeddling in them—between keeping entirely aloof from all concern with European affairs, and never having our hands out of those

affairs between, on the one hand, shutting ourselves up in our insular position, as if divided by the Atlantic instead of the Channel, and wholly separate from the rest of the world; and, on the other hand, extending ourselves and adopting a sort of ubiquity, making ourselves everywhere present, perpetually acting, always intriguing or negotiating (for he did not like to use a harsh expression)—always meddling everywhere, as if our existence were extended over Europe, and the Continent were part and parcel of the British dominions. It was to the excess he objected. It was of perpetual interference and constant intermeddling that he now complained, and ever should complain; and when he looked back to the discussions which had taken place during the last six months, and to the negotiations previous to those six months, it really did appear to him as if men or Ministers were acting on some strange supposition, as if the capital of the Turkish empire were the capital of these islands—as if there were no difference between the British Channel and the Bosphorus, as if Syria were inland, or as if the rule of those countries, whether by the Sultan in the north, or the Pacha in the south, concerned us as nearly as the rule of the French empire under Napoleon himself. With respect to the conduct of one of those parties in his internal government, namely the Pacha, he wished to put it out of view, and he would merely observe, that, while an altogether undue importance had been attached to his government in the recent discussions, both it, and the position and resources of the Pacha, had been represented in the most different lights as occasion required. Sometimes he was represented, when the points of the argument made it necessary, as the mere vassal of the Porte; at other times, as an independent power, and he was treated with as such. Sometimes he was represented as exceedingly powerful, and of most dangerous resources; and then, when it suited the purposes of the argument, his resources were said to be exaggerated, and his power such as any one might cope with. As to the conduct of the government of Egypt, or as to what its resources were now as compared with what they were before, he would say nothing further than the remark, that Mehemet Ali did not appear to be by a great deal so powerful as he was five or six years ago—that

there appeared to be a great difference between his resources at the time of the battle of Nezib, in 1839, and those which he possessed in 1832. Any further observation than these on his power had no kind of connexion with the question, and with nothing further on that subject was it necessary for him to trouble their Lordships. But what was the avowed object of all our proceedings, in which so great risk was incurred—so much actual mischief had been done—by which the peace of Europe had been injured, and the alliance with France destroyed? They were told in the Speech from the Throne, that the object was to maintain the integrity and independence of the Ottoman empire. Since when had we begun to think it absolutely and indispensably necessary to consult for nothing but the independence and integrity of the Turkish empire? Was it in the year 1827, when we joined with Russia, our present ally, in destroying the fleet of the Turkish empire? Was it in 1830 or 1831, when we negotiated with Russia respecting the dismemberment of the Turkish empire of a large, important, and integral portion; when the negotiation was not for taking away Greece, and erecting it into an independent kingdom (for of that there was no doubt), but as to what amount of territory should be added to Greece—what amount of inroad and encroachment should be made on the integrity of the Turkish empire—what amount of encroachment upon, and defalcation from, the integrity of the Turkish empire should be part and parcel of the same operation by which we asserted and guaranteed the independence of Greece? Was it in 1839, that we thought of nothing but the independence and integrity of the Turkish empire? Why in 1839 we offered to the Pacha himself Egypt, the most valuable of the Turkish provinces, in absolute hereditary sovereignty. That was not all. In October, 1839, we offered not only Egypt, but we proposed to cut out of Syria, by way of addition or arrondissement, for Egypt, a large and important portion. We offered, in fact, the pachalic of Acre, which, as had been said, meant Syria. Now we would not allow him to have it, because if he got it he would take the rest without leave. We had offered the pachalic of Acre hereditarily in 1839, but without the fortress; but in May, 1840, we had offered the pachalic for life, with the fortress.

The difference between the hereditary offer and that for life in the east, and as it affected the independence and integrity of the Turkish empire—the difference to a man of vigour who had three or four years of life to exercise that vigour, was so trivial and insignificant, that he would be ashamed to detain their Lordships by explaining how small it was. Therefore, the independence and integrity of the Turkish empire, which was an object of such paramount importance, that for it we were to give up the alliance with France, to unite ourselves with the remains of the holy alliance, with Russia, Austria, and Prussia, in preference to France, was of such weight with us in May, 1840, that we offered to give up to its supposed enemy, Mehemet Ali, the fortress of Acre, which was the key to the pachalic, the pachalic being the key to Syria,—Syria being the key to the Taurus—the Taurus being the key to the Bosphorus, and the Bosphorus the key to Constantinople. We proposed last year to place in the hands of Mehemet Ali the first links of this chain so dangerous to the independence of the Turkish empire, and yet that independence was now become an object in pursuit of which it was said to be absolutely necessary to waive all other considerations as if they were of none avail, and sacrifice the real security, the true basis, the only solid and substantial foundation which there could be for the peace of Europe, he meant the good understanding and alliance between France and England. The argument assumed this shape—that it was necessary, not for immediate peace perhaps, but for prospective peace at some future period—uncertain it might be, and distant, but still a possible period at which peace might be broken—that we ought to arrange all matters, especially in the Levant, to meet such a contingency, and that we should do our best to prevent the Turkish empire from falling to pieces. Now to talk of restoring the Turkish empire—of renovating a body which had fallen to pieces from entire decay—of re-organizing a government under which every pacha set up for himself, from time to time, and became independent at his pleasure—every portion of which government was in a state of almost entire derangement: a government which had been, not for years, but for reigns, as if stricken with paralysis; to think of setting up such a govern-

ment, even with the assistance of Russia not likely to be blind to her own interests—did appear to him the most chimerical object that could come into the mind of a statesman, at least as a thing for which he was to incur any considerable risk, or make any material sacrifice. Suppose the question settled as they desired, and Syria in the possession of Turkey, what reason was there to suppose that that government could hold it. They had armed he knew not how many thousand of Syrians, for the purpose of insurrection against one government. Why might the Syrians not use the same arms in insurrection against the Grand Turk himself? Those who thought such an event impossible, must take a very sanguine view of the facility with which the undisciplined and untutored rabble of that unhappy country could be made, at a single word, to take up or lay down their arms, to suit the combinations and purposes of the different allied powers. Then, again, observe the argument which was used. Danger was apprehended, if the Turkish empire was not kept together—kept together, indeed, in correct speech, it could not be—but renovated, reformed, and put together, being now broken in pieces by time, by its own hands, and by other hands than its own, ours among the number. It must be put together and held together by other nations, especially by Russia, who, as her interest was deeper, was likely to be more close in her attention, and to have a greater share than any other in determining the ultimate fate of that empire. But he came at once to the danger. What! was it not danger to Turkey herself? That would be no argument for interfering in any way upon any doctrine of the balance of power. It must be a danger which implied risk to the security of other countries—to the general peace of the world—to the safety of neighbouring nations, mediately or immediately to the safety of nations less near. That danger meant nothing more nor less than the danger from Russia herself. For it was said that Turkey got enfeebled if Mehemet Ali were left in possession of Egypt, and to Egypt were added Syria, on which the question had arisen; and in so far as it was not settled, danger still existed. Mehemet Ali being in possession of Syria, might proceed through the passes of the Taurus to the Bosphorus, and take Constantinople. This would entitle Russia to come

down as the protectress of Turkey, and in her quality of protectress she might take a share of the dominions of the Porte, in addition to the large share which, having taken, she already possesses. That was the argument by which interference was supported, by which the rupture—not with France, thank God—but the rupture of the French alliance was defended. The first observation which suggested itself on this argument, which was the basis of our whole policy, was this: what a strange thing it was that our policy being entirely directed against one particular power, Russia, who of all the world should be found to be a consenting party to our policy, but that very power? Nay more, the policy in question being directed against Russia, the very same power was its great patron, if not its original proposer. It did seem most unaccountable that the great glory of the scheme, the great beauty of the policy, should turn out to be to secure us against the designs of Russia, Russia herself being the principal promoter, if not the original author of the plan. The argument was not easily reconcilable with the fact. There was a principle of which their lordships were well aware—it was, indeed, a maxim of an old Roman lawyer, a very wise man, who, when an act was done, and there was a question as to the parties, was accustomed to inquire who gained by it; for he was uncharitable enough to think, could he hit on the party who gained by the deed, that that party had some hand in doing it. The converse of that proposition was even more strictly true; that when you saw several parties engaged in an act, and the question arose whether that act was beneficial to the one or other of those parties, or injurious, in precise proportion to the zeal with which you observed one of those parties bestirring himself to further that act, you might be certain that the act was not prejudicial to that party, but beneficial. Thus, when that foul, that wicked deed, the partition of Poland was acting, there was a great question who was the real author of that great public crime; which of the three courts it was that could be charged as the original suggester of that horrible outrage. But when it was seen that Russia gained incalculably more than either of the two other powers, or than both of them put together, men immediately applied the doctrine of the old Roman lawyer, and said that Russia, who was the greatest

gainer, was the original planner of the deed. So, conversely, in the present case, where the question was not, who was the author of a policy, but the author and the policy being given, the question was, whether one of several parties really benefitted or lost by that policy, whether losing, more or less in one trifling and unimportant and immediate direction, he did not gain more in another more important and permanent direction, when this came to be the question, and when it was seen that Russia was not only a consenting party, but a willing party, and not only a willing party, but a zealous party, and, perhaps, not only a party, but, underhand, and in some way or other, the contriver and suggester of the whole, then men began to apply the converse of the rule of the old Roman lawyer—that rule which was the rule of common sense, dictated alike by the experience of men of courts, and of human affairs, and confident as he believed, that Russia was not to lose but to gain, that the policy, whether in itself or in its consequences, afforded no security against Russia as to Turkey, and that Russia, in short, stood in a better position for the furtherance of its schemes, after the policy had been carried into effect, than it did before; it was easy to believe, that Russia found it well worth while to give up some immediate and comparatively trifling advantages with respect to her views on Turkey, for the purpose of gaining benefits, which, though not so immediate, were far more valuable, and which, not to say in the long run, but ere a very great time had elapsed, would most probably, nay, inevitably, tend to gain more for her, and to further her designs of aggrandisement more fully, than if this treaty and this policy had never existed. Russia, perhaps, lost some temporary advantage, but nothing in comparison with the to her inestimable gain of keeping the Turkish empire together for a space of time in such a way as to deprive it for that space of time of any pretext for foreign interference for its protection. What was it that had hitherto made Constantinople forbidden ground to Russia? What was it that, while it lasted, gave the most complete, the most permanent, the most unexceptionable security against Turkey's falling a prey to any designs or force from the North—from Russia? The good understanding between England and France—the alliance between England and

France—the co-operation of the councils of England and France—this it was that, while it endured, made it hopeless for Russia to turn her eyes towards Constantinople—this it was that, while it endured, made the Turkish empire, even in its weakness, secure. And if there was one single object more cherished, more pursued than another by Russia, it was that this alliance between England and France should cease, and that there should be substituted for the good understanding between those powers, which had so long prevailed, something like the present, he would not call it misunderstanding, but coldness and mistrust. To gain this object at any price had long been the chief aim of Russia, and to gain this object, how obvious was it, that she would readily sacrifice any interest of a merely temporary and comparatively trifling nature? To gain this object was worth more to Russia than all the successes which either her arms or her negotiations could bring her in any other way, and in this object she had unhappily thus far succeeded. The government of France was charged with an intention of creeping along the coast of Africa, and ultimately getting hold of Egypt for herself, and the pivot of our whole policy as regarded Russia, France, and Turkey, was the supposition that France entertained such designs, and was likely, under certain circumstances, to carry those designs into effect. Now he would ask any man of plain, ordinary common sense, which was the most likely to happen—that France, supposing her to entertain these designs, should endeavour to carry them into execution if she remained in amity with us, or that France, being no longer in alliance with us, being separated from us, should afterwards get round to Russia, and that Russia, being all too willing to enter into the combination with her, the two powers should together accomplish those purposes which the argument principally dwelt upon supposed Russia to have, on the one hand, and France on the other? Would not these two powers, he would ask, attempt such purposes, if they entertained them, more readily, and more vigorously, if they came together, than if France had remained in alliance with England? It was a very common error in the present discussion to turn the question a great deal upon the relative management of the matter by the Minis-

ters of France and England. Now there was no man who was more ready than himself (Lord Brougham) to give the amplest testimony to the talent and ability displayed by his noble Friend in the other House in the course of these negotiations. He had had experience of the great powers of his noble Friend in business, in negotiation, and in all the departments in which he was called upon to act, and he felt only admiration of his address and statesmanlike abilities. Nor was he surprised at witnessing their recent display, for, acquainted as he was with the noble Lord, they were to him no novelty, but even admitting, that his noble Friend was perfectly right in his mode of conducting the affair, and that the French minister was as entirely in the wrong, that was altogether beside the question. The latter might be completely in the wrong, yet the policy of the former might be as much so. It did not at all follow that the country of the one had not a right to complain of that policy, because the country of the other might also be entitled to complain of its minister. Before he concluded the observations he had felt it his duty to make (a most painful duty it was), he would beg to add one remark respecting the people of this country, and with respect to the people of France, a remark which he thought it right Ministers should have well impressed on their minds in what remained of this important and difficult negotiation, and which he considered might be important, with a view to preserve the greatest of blessings, and to avoid the most grievous of calamities, for both the one and the other of those nations. In God's name let it not be supposed, either on this side of the water by the Government, or on the other side by the French nation—for he hardly knew on which side the error might be the most fatal—let it not be supposed that the people of this country had ever for one instant felt indifferent to a policy which threatened war with France, or indifferent to the incalculable blessings of maintaining peace with that nation. If it were said, that no demonstration had been made, that no appearance had been exhibited of any great anxiety on the part of the people on this subject, he could account for that in this way: they never believed it possible that peace should be broken; the idea, as a practical notion, never entered their imagina-

tions. If it had been at once told them, if they had been instantaneously put in possession of the fact, "you are on the point of war with France," he believed that nearly the whole people—he was confident that a great majority of the people—he knew for certain that an overwhelming majority of the working classes, the middle classes, and all the Liberal party, as they were called, of this nation, without any exception, would have risen up as one man, would have said to the Government, "The peace with France shall not be broken, come what may!" This was his belief: he knew the fact; and this was one reason why no demonstrations had been made. Another reason was this, and it was a reason why other demonstrations were often suppressed too; the noble Lords opposite were not at the head of affairs; and the friends of peace, of the French alliance, and the leaders of the liberal party, were the natural friends of that alliance, the friends of a pacific policy, the enemies of a rupture with France, unless reduced to it by absolute necessity all which prevented the pacific people from making any demonstration by the apprehension that it might be injurious to their friends and leaders in the Government; and this, he knew as a positive fact, had prevented numerous demonstrations on the subject. Another reason had operated with others in preventing demonstrations. This class of persons, finding all at once that negotiations were going on, and that there was reason to apprehend dangerous results, still, much to their credit, abstained from making demonstrations from a feeling that, in the then exciting state of things, such demonstrations, while too late to do good, might lead to very dangerous consequences, at a time when it was not known what might be the result; when it was not known how soon the slightest turn in affairs might lead to a rupture; and the sword once drawn, it could not be known how long a period might elapse ere it would return to the scabbard. They had been too late to do any service, and feeling that under such circumstances demonstrations would do more injury than good, the people of this country cautiously abstained from expressing their opinion, which, however, was adverse to war. Let not, therefore, his noble Friend, or her Majesty's Government, suppose if the people of England really believed

that a rupture with France was intended, that there would not be a sensation from one end of the country to the other, that the friends of French alliance would not at once declare that the present policy should not be persisted in. Undue means had been adopted, undoubtedly, by bad and unscrupulous men to take advantage of the feeling against the alliance between England and France; but he trusted that such men were few in number, that their proselytes were far from numerous, and that their proceedings would be attended with signal failure. One reason, and that was the groundwork of all, for the rupture between England and France was, that there had been a want of courtesy shown towards France in the progress of those negotiations, and, indeed, M. Guizot himself had nothing to say more in favour of the French Ministry than that what had been done had been done in a discourteous manner. There was no denying that the French were a people of the greatest genius, courage, and military skill. Their brilliant military character made them "jealous of honour, sudden and quick in quarrel," and on those accounts it would have been better if every thing like discourtesy, which was calculated to induce them to a course likely to gratify their predilections had been studiously avoided. To suppose, however, for a moment, that any one in this country ever underrated the great military character and renown of the French nation—to suppose that even the noble Duke opposite, or any one of his former gallant companions in arms, ever thought or dreamt of speaking otherwise than most respectfully of the great achievements in arms of that nation, would be in the highest degree preposterous. He was himself speaking the language of peace; but to suppose that any man of this country should speak of France as having been humbled, he must say he had never heard such a sentiment from the mouth of any one, unless, indeed, it were broached by some one of those—few indeed as they must now be—who might still entertain a portion of those old prejudices which he believed and hoped this country had long ere this outlived and abandoned. The noble Duke had always himself maintained, that France must ever be a great and leading power in Europe, and he had no doubt that that noble Duke, if ever it had been proposed, in any of the confer-

ences which were held by the great Powers in 1814, and subsequent years, to encroach upon France, would have been among the very first to have resisted the adoption of such a course of policy. For his own part, he had every confidence in the good sense and high feeling of the French nation, and in the certainty which must prevail among the people of that great country, that they ever must command respect as one of the leading Powers of Europe; and trusting to the prevalence of such feelings in the French nation, and hoping, that they would bring that people back to amity with this country, he would conclude by expressing to their Lordships his earnest hope for the security of the peace of the two nations and of the tranquillity of the world.

Viscount Melbourne said, that certainly from the appearance of the House, he had anticipated that they should come to a unanimous vote on the address, but at the same time, considering the events that had recently occurred, the policy which had been pursued, and the consequences resulting therefrom, he had equally anticipated that some remarks would be made on the line of conduct which had been taken, on the course of events, and their probable results, and therefore he had not felt at all surprised at the speech they had just heard—an eloquent and able speech, he would add, in the general principles of which, he for the most part agreed, though he was sorry at the same time that he could not concur in the application of those principles. His noble and learned Friend had stated with perfect truth, that the address did not pledge the House, or any noble Member of the House, to approve or concur in any one of the measures which were mentioned in that address. The address he would beg leave to say had been framed with singular care and caution in this respect, and he believed noble Lords, on reading it, would find they could safely vote for it, without binding themselves to any opinion or any subject in it, and without in the least fettering themselves in the exercise of their free judgment, and the discretion which they might think fit to exercise on it hereafter. Their Lordships were of course aware that the policy which had been pursued, that the course which had been taken, that the events which had happened, were all of deep and great importance. They must, see that the policy which had been pursued

was bold in its character, and he was quite aware that he could not ask noble Lords to come to a conclusion as to that policy, to come to a vote of approbation of it, without he laid before them, which he intended immediately to do, the fullest information on the whole subject—the clearest statement of the whole of the negotiations; and when noble Lords came to consider the documents, he had the most sanguine expectations that the nature of the defence which had been pointed out by the noble and learned Lord as necessary—that a defence, not exactly amounting, as the noble and learned Lord suggested, to a case of absolute necessity, that was to say, a case in which it would have been impossible to have acted otherwise—but amounting to a case of stringent policy, and evident expediency, to a case which had called upon Government to act as it had done, for the purpose of preserving for the future the peace of Europe. Such a case, he trusted their Lordships would find made out from the documents; and above all things, he felt quite certain that when they read these documents, and considered the whole course of the negotiations, they would be persuaded that there had been no want of courtesy in the manner in which the negotiations had been conducted, and that this Government had been guilty of nothing which could justly offend the most sensitive mind. It would not do for one nation to plead its own irritability as a reason to govern the conduct of another nation, for this would be at once submitting ourselves entirely to be governed by that other nation. That was like what often occurred in private life, where you often saw that the most ill-tempered member of the family in effect governed all the other members of it by means of constantly saying, “Oh, I am very irritable, I am very ill-humoured, don’t make me angry.” It would never do for a nation to plead the faults of its own disposition or its own government in order to govern or overrule the conduct of others, for the noble and learned Lord would recollect that this principle might be pleaded by the most despotic nations. His noble and learned Friend said, that the Government seemed to attach more importance to Constantinople than they were called upon to do, and that they took more care for its preservation than they did for parts of this empire, and he asked what was the real object that they had in

view. His reply was, that the object that they had in view was the preservation of peace, by the settlement of the affairs of the Levant, and by preserving the integrity of the Turkish empire as much as they could possibly in the state in which it was. His noble and learned Friend asked how long they had felt this deep interest in the subject, for the proceedings of this country at various periods had led to attacks on the integrity of the territories of Turkey, and he adverted to what occurred in 1827, when the treaty respecting Greece was agreed to, and which was followed by the battle of Navarin, and also to what had taken place since that time, and more particularly to what happened in 1830 and 1831, and the following years when the affairs of Syria and Egypt were brought under notice by what was then occurring in the former country, and again to last year, when, in the first instance, an offer was made to Mehemet to give him the hereditary possession of Egypt, together with some very important districts of Syria—namely, Acre and Adana. He would not go into an examination of the grounds of the former policy that was pursued towards Turkey some years ago; but he would beg to observe that there were other motives besides the preservation of the integrity of the Turkish empire which operated to bring about the proceedings of 1827. There was then a strong feeling in favour of the independence of Greece in the minds of the people of all Europe, which undoubtedly must have had considerable effect on the policy of all the powers. As to the offers made to the Pacha of the possession of Egypt and of certain districts of Syria, all that he would say was, that it arose from an extreme anxiety to settle the matter pacifically in union with the other powers which had united with us for the attainment of this object, and thus to avoid that conjuncture which had arisen. They did this because they knew that if the course of proceeding was forced on them which they had been compelled to follow, it would be attended with some hazard and risk. It was unquestionably for this purpose that these offers were made, and with the view and object of avoiding those ulterior measures to which they had been obliged to resort. It was quite clear from the papers already on the Table of the House, and more particularly from the despatches of Colonel Campbell in 1838, that it was the intention

and determination of the Pacha to establish his own independence, and to throw off all allegiance to the Sultan, and to found a new independent Mahomedan state on the shores of the Mediterranean. This design became more obvious by what took place immediately about the period of the battle of Nezib, and by the mode in which he obtained possession of the Sultan's fleet, and to his continued refusals to restore it. It was therefore evident that he intended to encroach farther on the Ottoman empire and to make himself the sole, or the greatest Mahomedan power in that part of the world. It was the policy of the Government of the other powers to take effectual steps to counteract these dangers. They had postponed their measures for a great length of time, and he thought that the only charge which could be brought against them, was that of procrastination and delay, and that they had not taken the steps long before, which they had been at last forced to resort to. This, however, had been done because they were most desirous—because they were most anxious—because they felt that this was as nothing in comparison with the great object that they should have the concurrence of France in the settlement of this question, and that nothing was so desirable as that the five powers should act together in the settlement of affairs, and in the pacification of the Levant. Although they had been disappointed in their hopes of this union of the five great powers for the attainment of this object, he did not give up his anticipation and hope, that they might still bring about an agreement in opinion on this subject, and that they might all concur in such a settlement as to secure the peace and repose of affairs in that part of the world, and therefore the peace and repose of Europe. This was the ground on which they had acted. His noble and learned Friend said, that in the course which they had pursued, they had served the purposes of Russia, and that she was the only gainer in the matter, by breaking up the alliance which existed between England and France. Whatever designs Russia might have of a secret nature, he did not pretend to know; but he would suggest to his noble and learned Friend, that it was possible that that power might be desirous for the preservation of the peace of Europe, and which would put a stop to a state of things by which she alone might be compelled to take part,

and to interfere for the preservation of the Ottoman empire, bound as she was to that power by a solemn treaty, and by which interference she might have compromised the peace of Europe. These generally were the objects which they had in view in the steps which they had taken, and that they had not been effected without bloodshed was a matter which gave him the greatest concern; but at the same time, he believed that the preservation of the peace of Europe and the world had been effected by the steps which had been taken. He trusted that ere long they would see a state of things in which all the great powers of Europe would unite on this question with the end of securing the peace of the world. His noble and learned Friend said, that there was such a general desire for the preservation of peace in the minds of the people of this country, that if matters had gone on a little further, there would have been a general demand from all classes of the community that tranquillity should not be interrupted between this country and France. He would not dwell on this point; but he felt called upon to make one observation, namely, that it was not in the power of any one nation to command peace. A nation might control its internal affairs, but it could not control or command the proceedings of another nation. He must also observe, that it was not the readiest or the surest way to avoid war by declaring, that, under no circumstances, could a country go to war. Having said so much as to the general policy of the proceedings which had taken place, he could not conclude without expressing the great satisfaction that he felt in finding that there was no disposition on the part of any noble Lord to interrupt the unanimity of the House on the occasion of the Address.

Lord Brougham, in explanation, denied that he had said anything to justify the assumption that this country ought to go to war under no circumstances whatever. It was one thing, however, going to war in consequence of an attack on the possessions of this country, or the seizure of our shipping, or an insult to the national flag; and altogether a different matter doing so in the supposition that the balance of power in Europe was affected by the state of affairs in Syria.

The Duke of Wellington said, that after what had fallen from the noble Viscount,

it was not his intention to offer any observations, and he did not think it would be necessary for him to do more than express his desire to support the present Address, and his hope that it might be unanimously passed. He would also beg to congratulate their Lordships on the display of abilities which had been made that evening by the noble Mover and Seconder of the Address. The noble Seconder had addressed their Lordships before; but he must assure the noble Mover, that wherever acquired, he had shown anything but inexperience in debate; for he must say, that in such circumstances he never had heard a more able speech, or one involving more topics, and topics, too, which were not contained in the Speech from the Throne, but of which the noble Lord had made the greatest use in favour of her Majesty's Government. The noble Lord had certainly shown himself to be a most able and experienced debater. With respect to the topics adverted to in the Address, he, for his own part, would say, that he was one of those who approved of the policy of the measures which had been adopted. He had viewed with no little anxiety for several years past the state of things in the Levant, and if he was not mistaken, he had directed the attention of their Lordships to the subject when the events occurred which occasioned that state of things, and gave rise to such frequent remonstrances and representations from all the European powers. At the period adverted to, namely, 1831, 1832, and 1833, their Lordships were reminded, and he hoped the noble and learned Lord (Lord Brougham) would remember it, of the danger to all Europe, occasioned by the state of things which led to the treaty of Unkiar 'Skelessi, and particularly to the two great maritime powers of Great Britain and France. Having, he repeated, viewed these matters with great anxiety and attention for a number of years, having been in office since the treaty of Unkiar 'Skelessi had taken place, and having seen the dangers which were likely to result, he must confess that it gave him great satisfaction to find, that the Government had taken the subject into its serious consideration, with a view to apply the best remedy in their power to ward off from Europe the evils which threatened from the state of things in the Levant. He was happy to be able to say that he had rea-

son to think, that these dangers would be averted, that all would end in a peaceful manner, and that France would join with the other powers in carrying into execution those measures by which the peace of the world would be secured. He had heard a good deal, both that evening, and at other times, of what had been called the alliance between England and France. He was aware, that France had on various occasions co-operated with this country in the adjustment of several questions, and apart from the other powers of Europe. This was the case with respect to the Netherlands, and the two countries acted in co-operation and separately from the other powers in the instance of the Peninsula. He knew, however, of no other alliance than a good understanding between the two countries when consulting on several points of general interest to Europe. Further than this, he knew of no other alliance. They were not peculiarly allies, but had acted together, and in accordance upon several subjects, and in conformity with the spirit of the general alliance of the European powers established at Aix-la-Chapelle. The two countries had frequently acted in concert, but they had also frequently acted otherwise; for instance, they had acted separately on the occasion of the negotiations at Verona, when he himself was present there as Ambassador from this country, and on which occasion he had separated himself from France and the other European allies. England did not on that account take offence at the course which France thought proper to pursue. This country differed with the other European powers with respect to the expedition to Spain, and, as he learned from the newspapers, France now differed from the other powers with respect to the proceedings relative to Syria and the Levant. He, for his part, came away from Verona, not concurring in the measures which had been adopted there, but certainly without having taken offence at what had been done. With respect to the present transactions, he had attended closely to the proceedings as detailed in the public journals, and he could not discover in them anything which France could construe into offence. He did not know why it was that the negotiations had been carried on confidentially, and by conversation, rather than in the usual diplomatic manner, by notes. It perhaps

would have been better to have adhered to the usual form, for in that case any charge which might be made could be easily decided by reference to the official documents. That he thought was the only fault which could be charged against the whole proceeding. If, however, the negotiating parties preferred to act confidentially, and by private communications, they were at liberty to do so, and no one had a right to complain but the public, on account of deficient information. He, must say, however, that through the whole affair, he saw nothing upon which a difference between this country and France could be grounded, nor could he discover any fault which had been committed on our part. When he himself stood alone at the congress of Verona, and all the other powers of Europe adopted a course in which he could not concur, he did not feel offence at their proceeding, and he must do the noble Viscount the justice to say, that during the whole of the recent transactions no discourtesy had been shown to France, nor was there reason to suppose that any had been intended. It did not appear to him that the charges which had been made against Russia by his noble and learned Friend, as to its object with regard to affairs in the Levant, had been sufficiently made out. He must remind his noble and learned Friend, that at the period reverted to, namely, 1831, 1832, and 1833, the Russian government had made the strongest representations both to this country and to France, as well as the other European Powers, to induce them to take some steps to prevent Mehemet Ali's invasion of Syria. Russia foretold the consequences which were likely to follow, and owing to the neglect and supineness of the other powers, Russia felt it a matter of necessity to march an army and bring a fleet to Constantinople. No other Government had taken so much pains as the Russian, to induce the maritime powers to interfere for the prevention of the invasion of Syria by Mehemet Ali, and if the efforts had been successful, the Russian fleet would not have sailed, nor would the treaty of Unkiar 'Skelessi have been entered into. He merely wished to remind his noble and learned Friend of this fact, of which he must have been aware, as at that time he held a high office under the Crown. When he (the Duke of Wellington) was in office in 1834-35, he saw very clearly the in-

convenience which must arise from the continuance of the then state of things in the Levant, and he was in hopes at that time that the Emperor of Russia might be induced to take some measures in concurrence with the other powers, to effect the settlement of affairs in that part of the world, for he was sure that that Sovereign must have felt the inconvenience to which he was exposed by the treaty of Unkiar 'Skelessi. It was not to be expected, however, that he would give up that treaty, unless he obtained other and adequate securities for the navigation of the Black Sea, and these had now been given by the measure which had been adopted, and the course which had been pursued. He must, therefore, under these circumstances, do the Emperor the justice to say, that he (the Duke of Wellington) saw no peculiar advantage that that sovereign had gained by agreeing to what had been done for the settlement of the affairs of the Levant. It was, then, not altogether fair to say that the Emperor of Russia was not seeking for the same object as the other powers were, but that his only object was seeking to break up the alliance between England and France. Now, he believed, that the Emperor of Russia was perfectly sincere in working out the same common object with the other powers, so long as steps were taken to secure the navigation of the Black Sea. His noble and learned Friend had also said, that if noble Lords on his (the Duke of Wellington's) side of the House had been in office, the greatest fears would have been excited for the preservation of peace and that the utmost excitement would have prevailed throughout the country. He would not pretend to say whether any or what degree of excitement would have prevailed if that had been the case; but he would tell his noble and learned Friend that no noble Lord nor any other man that he knew had done half so much for the preservation of peace, and, above all, for the pacification and the maintenance of the honour of France, and for the settlement of all questions in which the interests of France were involved, as the individual who was then addressing their Lordships. From the period of the year 1814, down to the last month of his remaining in the service of the king, he had done everything in his power for the strengthening and preservation of the peace of Europe, and more particularly for the maintaining and

keeping the best understanding between England and France. He repeated that he had done more than any one else to place France in the situation in which she ought to be in the councils of Europe, from a firm conviction—which he felt then as strongly as he had ever done—that if France was not, then there was no security for the preservation of the peace of Europe, or for a sound decision on any subject of general policy. He was sure that the noble Viscount would find, if he would take the trouble to search the archives of the Government, papers written by him shortly before he went out of office in 1830, which would fully justify the assertion which he had just made. He was sure that his noble Friend in that House, and his right honourable Friends elsewhere, who were in office with him were as anxious for the preservation of the peace of Europe as any politicians, be they Liberals or otherwise. They were as anxious for the preservation of a good understanding between France and this country, and that France should be on a perfectly good understanding with all the powers of Europe, and that she should take the station which became her in the rank of nations, and which her power, her wealth, and her resources, entitled her to. He said this much because his noble and learned Friend had adverted to this point, and he did not choose that there should be any misunderstanding on the subject. He was of opinion, and he entertained the sincere hope and expectation, that the other powers would be able to reconcile France to the settlement of the affairs of the Levant, which had been effected; and nothing could give him more entire satisfaction than that France was restored to that station in the councils of Europe which she ought to hold.

Lord Brougham regretted that he had in any way given pain to the noble Duke, but he must be excused for saying, that if he had only been the unintentional means of calling from the noble Duke the statement which the House had just heard with so much satisfaction, he felt that he had rendered one of the most important services that man could do at the present moment.

Address agreed to.

HOUSE OF COMMONS,

Tuesday, January 26, 1841.

MINUTES.] NEW MEMBERS.—Hon. Robert Shapland Carew, for Waterford County; and the Right Hon. Richard Pigot, for Clonmel.

NEW WRITS.—FOR MONMOUTH, *Vice*, William A. Williams, Esq., Chiltern Hundreds.—FOR CANTERBURY, *Vice*, Lord A. Conyngham, Chiltern Hundreds.—FOR WALSALL, *Vice*, Francis Finch, Esq., Chiltern Hundreds.—FOR SURREY EAST, *Vice*, Richard Alsager, Deceased

HER MAJESTY'S SPEECH.—THE ADDRESS.] The *Speaker* acquainted the House that he had that day attended her Majesty at the House of Peers, where her Majesty had made a most gracious Speech to both Houses of Parliament, of which, for greater accuracy, he had procured a copy, which he would then read.

The *Speaker* read her Majesty's Speech, for which, see *ante* p. 1.

Lord Brabazon said, that, in rising to move that a humble Address be presented to her Majesty, in answer to her most gracious Speech, he felt the greatest possible pleasure—a pleasure unalloyed by any disagreeable feeling, except that occasioned by the sense of his own utter inability to do justice to the subject. In proposing that an Address be presented to her Majesty expressive of the grateful sense which the House entertained of the most gracious Speech which she had that day been pleased to deliver from the Throne, he felt happy that the subjects to which he should have to draw their attention were such as would confidently enable him to anticipate that hon. Members on both sides of the House would cordially agree with him in the Address which he was about to propose. Seldom had it fallen to the lot of any one standing in the situation in which he then stood to have to direct the attention of the House to topics of greater interest than those which had been put forward in the speech from the Throne, or to congratulate them upon a happier or more glorious state of things than was now before them. In entering on the various topics to which it was now his duty to refer, he could assure the House that he should endeavour, as far as possible, to acquit himself of his task without any manifestation of party feeling, it being his anxious desire to conciliate all parties in a cordial co-operation with him in the Address which he would shortly have the honour of moving. The first topic to which he would allude, was one which was not touched upon by her Majesty in her Speech, though it held a very prominent

part in the Address which he was about to move, as he was sure it did also in the hearts and affections of all her Majesty's subjects. It was a subject upon which his feelings irresistibly carried him along; and he was glad to reflect that it was a subject on which he could indulge to the full in the pride and satisfaction enjoyed by all loyal subjects—the birth of a Princess Royal. On this point he felt that he did but justice to all the hon. Members whom he saw around him, in saying, that he expressed their feelings in common with his own, when he declared that this House hailed with unbounded delight and feelings of joy the auspicious event which had given the country a Princess Royal. When the House met last year to address the Throne on the declaration of her Majesty of an intention to contract marriage with his Royal Highness Prince Albert, they did so in fond anticipation that a step which met with such universal approbation would, through Divine Providence, be attended with all the blessings of domestic comfort and happiness, by which it was the ardent desire of all her subjects that her Majesty should be surrounded. If then they did, as undoubtedly they did, derive inexpressible joy from the anticipations and fond hopes they were led to entertain, how rejoiced should they now be to behold the accomplishment of all those fond wishes, and how gratefully should they thank the Almighty Giver of all Good that he had deigned to hearken to the nation's prayers and to protect her Majesty through all the perils of childbirth, and to give to the country a direct heir to the Throne, who, he sincerely trusted, would inherit all the virtues, and enlightened qualities of her Royal Mother. He now turned from the many pleasing reflections the subject he had adverted to produced, to a subject calculated to raise up feelings of honest pride and exultation in the heart of every Englishman; he alluded to the glorious achievements which had been accomplished, not only at Acre, but on the banks of the Indus and at China. The latter triumph might not be so glorious as that of Acre or on the banks of the Indus, but it was still one likely to prove highly important in its results. It was a further matter of congratulation to consider that these achievements had not been undertaken for the purpose of territorial aggrandizement, but, in the first instance, for the establishment of the independence of the Ottoman empire; in the second, for the better govern-

ment of India; and in the third, to vindicate the national honour, and place the commerce of this country with China upon a surer and safer footing. It was pleasing to reflect that in all these undertakings her Majesty's efforts had been either crowned with success, or were upon the eve of being so. With respect to the political state of the country, he had no hesitation in asserting, that upon the success of the measures of her Majesty's present Ministers the interests of the country mainly depended. The course they had hitherto pursued had been attended with the most beneficial results. They had maintained the peace of Europe under circumstances unexampled in the history of any nation. Her Majesty in her Speech from the Throne had declared it to be her intention to use her best endeavours to establish and maintain the peace of Europe, and the guarantee of the other powers of Europe to aid and assist in that great work would allay those fears which had been excited in consequence of what had taken place in some parts of the continent. The settlement of the Eastern question had been rendered certain by the glorious success of the British arms at Acre; and by the arrangements that had taken place, the power of Mehemet Ali had been circumscribed within its proper limits. They had the strongest assurances from the Throne that the negotiations entered into by her Majesty with the great powers of Europe last year were on the eve of being brought to a successful termination. It was to be sincerely lamented that in the course of events France had thought it necessary to withdraw her assistance from the other great powers, which had confederated together solely for the purpose of maintaining the peace of Europe, and the safety of their respective political relations. It was, however, satisfactory to know, and it was matter of self-congratulation to this country, and to her Majesty's Ministers, that the righteous objects they had in view, and which it was their determination to secure, had been attained without the assistance of France, and even in spite of her opposition. To the former minister of that country another had succeeded, in whose abilities and moderation Europe had reason to repose every confidence. They might hope that France would yet see her error, and would enter again into friendly relations with this country, and renew her former friendly intercourse with us. The immense re-

sources, and the many dependencies of this great empire, imposed a very serious responsibility on those who had to conduct its government; and it was to him matter of rejoicing, to find in the measures and principles of our colonial policy, that love of justice, and those principles of liberty on which a free country should ever act. It was matter of congratulation to look to the prosperous state of our colonial possessions, and especially of the Canadas, to see the rapid progress of internal improvement in those provinces, and the great advancement of their commerce. It was most gratifying to observe the temper with which the Canadians had received the measure for the union of the provinces which was passed by this Parliament in the last Session. Many who were hostile to that measure during its progress, were now doing all in their power to smooth difficulties and to give it a fair trial. For his own part, he felt quite assured, that at no distant period that country (Canada) would become a great and powerful nation. Amongst the intentions which her Majesty intimated to Parliament, none would be received with greater pleasure than her declaration of the necessity for maintaining economy in every department of the state, so far as was consistent with a due regard to the exigencies of the public service. A necessity had arisen for sending out two powerful fleets to carry on operations, one of them in a very distant part of the world. This necessity had naturally entailed a very great expense upon the country. But expensive as those armaments were, the expenditure was of small importance compared to the maintenance of this country's honour, and the protection of our fellow-subjects and allies in all parts of the world. In reference to that part of the Speech which alluded to the administration of justice, we understood the noble Lord to say, that the present state of the Court of Chancery was a crying evil, and complained of from one end of the country to the other. Of course upon that subject there would be great diversity of opinion, but he did trust that Parliament, in whatever alteration it might make, would, as far as possible, remove the evils which were complained of. The powers of the commission relating to the poor terminated at the end of the year. He felt satisfied that the House and Parliament would admit that these gentlemen had highly distinguished themselves, and that the country had reaped great benefits

from their labours. They had all marked, in its working throughout the country, not only the improved social, but the improved moral condition of the peasantry. He was sure the House would in the revision of the measure of the Poor-law, make the best provision for the continuance of such advantages. He was free to confess, that he believed her Majesty's Ministers were not insensible to the condition of the people of Ireland, for, indeed, their past acts proved that they were men who had done much good for Ireland; and he hoped that the same anxiety the Government had already evinced, would lead them to bring forward measures to improve the condition of the Irish people. These were matters to which he looked forward with deep satisfaction. They had that evening heard the notice given for leave to bring in a bill which was about to be laid on the table by the Irish Secretary, which he sincerely trusted would, in its provisions, be equal to, and realise, the hopes of the people of Ireland. He sincerely hoped that, in legislating upon Ireland, that hon. House would not take into consideration the question of how little, but how much they could give to promote her interests. He implored the House to consider how they should pass such enactments as should secure this great object. He implored the House to consider how fair and how just the demands of Ireland were. She declared that she asked for nothing more than to be placed on an equal footing. The people of Ireland claimed nothing more than equal franchise, equal privileges, and similar institutions with those of the people of England. Let the Legislature but grant these, and they would make Ireland a contented and happy country. He implored the House to do this act of common justice, and then they would be able to solve that mighty enigma which had puzzled that House so many years in legislating for that country. Let them do but this, and they would make Ireland contented, happy and prosperous; not only a source of natural strength to the empire, but also of commercial wealth. He was happy to bear testimony to the fact, that Ireland was at present participating in a general prosperity which pervaded the United Kingdom. She was greatly improved in wealth and industry. And, indeed, the care which had been taken to disseminate the blessings of education (though party spirit and party rancour, he admitted, existed throughout the country) had had the effect of leading

to a better system of order and law ; and he believed that much was to be attributed to the friendly and benignant influence of the policy of her Majesty's Government. There certainly were matters which agitated and disturbed the public mind in Ireland, and there was one question that created great grief in his breast—he need hardly say, he alluded to the repeal of the union. To that measure he was most determinedly and decidedly opposed ; and, therefore, he could not view it without fear and apprehension at any time ; but that fear and apprehension was a hundred-fold augmented when he saw the repeal of the union agitated at a moment when the greatest concord and union were required among all shades of Reformers to maintain that power and that position which they now had. He implored those who advocated that measure to pause ere some calamity befel the country, which they would be the first to regret. He felt he had trespassed on the House too long—he had touched upon more subjects than those which her Majesty had mentioned in her Speech, and he would conclude by thanking the House for the patient hearing they had afforded him, and calling upon them, with earnest confidence, to support the address which he had the honour to move. The noble Lord then read the Address, which was an echo of her Majesty's Speech.

Mr. *Grantley Berkeley* said, in rising to second the Address to the Crown, which had been moved by his noble Friend, he was happy on this occasion to have the opportunity of being able to congratulate the House and the country on the successful issue of the foreign and domestic policy which had been pursued by her Majesty's Ministers. Attached as he was to a system of liberal policy, and a supporter of the present Government, as he had been on many important occasions, he nevertheless felt sure that he should not offer to the ear of the House, one single source of congratulation, the satisfaction of which was not shared in by every party present. He would fain hope and believe, that there was not a man to be found in England, in Ireland, or in Scotland, who did not rejoice at the news brought by every Indian mail of the triumph of British arms throughout the length and breadth of the continent of Asia. He congratulated the country, he congratulated the Government upon the Chinese war. Yes, he congratulated the Government upon the Chinese war, which

was likely to prove so advantageous to the most important interests of this country. And here, in passing, let him remind the House, that upon an angry discussion in the last Session of Parliament, the present Ministry had nearly lost the reins of Government, because they had not counselled submission to the indignities which had been heaped by Commissioner Lin upon the British flag, and the injuries inflicted upon English merchants. But though he remembered this, though he reminded the House of it, though the right hon. Baronet the Member for Pembroke heard him, and was intimately connected with the opposition to which he referred, nevertheless he was convinced, that that right hon. Baronet was too generous a foe, and by far too enlightened a statesman, not to rejoice with him and with the House in congratulation to the Crown, in England's triumphant situation. When the operations against China were first discussed, the position of that empire—the remoteness of the scene of war—the novelty of the circumstances in which this country was placed, and the fact of the enormous bulk of the population of the empire to be humbled—all these subjects might reasonably engender a feeling of distrust in the minds of many as to the probable termination of events, but since that period they had seen that the policy which gave instructions to the Admiral, the gallant, forbearing, and capable officer who commanded in those seas, was founded on the most just conclusions. It must be a proud reflection in the breast of every Englishman, that a handful of men, schooled in forbearance, but determined on success, should in so short a space of time have humbled the bloated pride of an enormous—of a self-styled Celestial empire, the largest on the earth, and have taught its emperor, and his boastful and false commissioners for the future, to honour and respect the humblest merchant of this country who might hereafter trade to their distant shores. Not only did he hail with satisfaction the policy of the noble Lord in a political and a commercial point of view, but religiously he was led to regard it as the dawning of a light which was about to break in upon the darkness of that idolatrous land. Interest in the breasts of myriads must have been raised as to the law and the religion which governed the British warrior when at home and at peace in his native land. The great mass of the Chinese people had been

severely and justly taught, that they had to deal with an enlightened superior, instead of an inferior barbarian; and as religion and superiority were inseparable, not only respect for the flag of England had been taught by this successful policy, and her mercantile interests protected, but the seeds of a faith in God might have been sown, that should bring forth future harvests. Look at the conduct of this country in Syria—look at the glorious and brilliant career of the British force then employed, and the unprecedented bombardment and taking of St. Jean d'Acre, which was not more honourable to the gallant admiral who commanded than to every captain of each individual ship, and to the efficiency of their crews. On this matter, however, he might scarcely speak, because a relative of his own was in command. Let them look to the simple facts. The first landing of the Turkish troops and British and Austrian marines was effected in Djourni Bay, on the 10th and 11th of September. The Turkish troops amounted to about 6,000, the British marines to about 1,500, and the Austrians to 250; the whole did not amount to 8,000 men. The troops of Ibrahim amounted to 60,000 men, in different parts of the country, but the people of the country were all against him, having been driven by cruelty and oppression to desperation. They therefore flocked to the sea beach for weapons, and from first to last received 30,000 stand of arms. A Turkish reinforcement followed the first expedition, and then from 12,000 to 14,000 Turkish troops were engaged. The Turks, always famed for their bravery, needed but a leader, and they found one in Commodore Napier, a man, he was proud to say, possessed of the most dauntless courage, of the most daring enterprise, and gifted with a genius available alike on sea and land. Fort after fort, and town after town surrendered to their joint attacks. The Egyptians fled before the bayonets of the victorious troops; but, whenever they could escape from their tyrant, they came to make their submission. In a few weeks only no less than 12,000 men came over to the allied troops. On the 4th November, the fortress of Acre, which had successfully baffled the skill of Napoleon at the head of his best troops, and had for six months withstood every attack of Ibrahim himself in 1831 and 1832, surrendered to a British and Austrian squadron after an assault of less than four hours, and thus in eight weeks

after their first landing in Djourni Bay, the fate of Syria was decided. Never had the skill and valour of the British navy displayed itself to greater advantage, or with less loss, their casualties having amounted to no more than 60 men. Compare this attack with that of Algiers, and look at the results. In the latter had been lost 800 men, killed and wounded, yet this affair of Algiers was considered as one of the greatest exploits of the British navy. What, then, remained to them but congratulation. By sea and land their arms were successful. Congratulation everywhere waited on the thunder of the British broadside, and seemed to attach itself to the triumphant policy of his noble Friend, which had placed this country in a situation so superior among the arbitrators of the laws of nations. In spite of the threatening attitude assumed by France; in spite of the clamour raised at home; fearless and free the Government had done their duty, and were the policy of the Syrian war the last act of his noble Friend, he might well lay down the reins of office and say—

“To-morrow do thy worst, for I have liv'd my day;

Be fair, or foul, or rain, or shine—

The joys I have possess'd, in spite of fate are mine;

Not heaven itself, upon the past has pow'r—

What has been, has been—and I have had my hour.”

Whilst on the subject of the foreign policy of her Majesty's Government, he would beg to refer to the state of our colonial possessions in Canada; and he could not do better on this occasion, by their permission, than quote a few brief sentences from the speech or message of the President of the United States to the House of Congress, which was to the following effect:—

“With all the powers of the world our relations are those of honourable peace. The excitement which grew out of the territorial controversy between the United States and Great Britain, having subsided, it is to be hoped that a favourable period is approaching for its final settlement. From the nature of the points in debate, and the undoubted disposition of both parties to bring the matter to a conclusion, I look with confidence for a prompt and satisfactory termination of the negotiations.”

The spirit of that passage proved that the Government of England had done their duty in relation to that question. In passing, he could not refrain from quoting one

more remark in the same speech, in which touching the slave trade, the President observed:—

“The efforts of the several Governments who are anxiously seeking to suppress the slave traffic must, however, be directed against the facilities afforded by what are now recognised as legitimate commercial pursuits, before that object can be fully accomplished. Supplies of provisions, water-casks, merchandise, and articles connected with the prosecution of the slave-trade, are, it is understood, freely carried by vessels of different nations to the slave factories; and the effects of the factors are transported openly from one slave station to another, without interruption or punishment by either of the nations to which they belong engaged in the commerce of that region.”

Now he would have this recommendation taken up by the loud voice of England, wheresoever her dominion extended over the wide waters of the world, and echoed back from shore to shore, on that he would urge that England having abolished slavery in her own dominions, in justice to the West India planters, whose fortunes had suffered by it, she should not cease in her exertions to eradicate the frightful evil wherever it was to be found, stamped as it was by injury to the honest conformer to the law, with a blacker shade than ever. Wherever that trade prevailed it should be abolished by this country with even-handed justice. Let him therefore express an individual hope in passing, which might perhaps be echoed by others, that the time was not far distant when her Majesty's Ministers halting not in their liberal intentions, unbiassed by any faction, restrained by nothing but the interests of wide-spreading justice, the law of heaven and the rights of man, would bring forward a generous well-considered, thoroughly-provided-for and effective measure, unrestricted to any particular region, for the importation of free labourers not only to the Mauritius, but to the whole of the West Indian colonies. So that the inhabitant of any clime or country might attain the best market for his hire, and through general competition be enabled to make those terms best suited to his interests, and by free labour assist in driving an ill-gotten gain of the slaver from the market of the universe. But to return to subjects of congratulation. With the full flush of important victories upon their minds, grateful to the Crown, grateful to the Government, and glorious to the country, let them, with a calmer but not

less sincere pleasure, glance for a moment at some circumstances in our domestic policy. He would touch first upon the new Poor-law; it was another instance among the many where the first bias of public estimation had been in error. That wild hawk, popular opinion, which so often skims the political field of imaginary blessings, and stops to plume on surface legislation, was here again false in her pitch of judgment. At first the law, among those for whom it was made, was decidedly unpopular; and as if to render it more so, in many instances rude, and unintelligent, and unfit men were often the leading instruments in carrying forth its provisions. He would here quote an instance which came under his notice, in a parish in or near which he was at that time resident. An old man and woman, who, if his memory served him, were between seventy and eighty years of age, and who were merely in want, on account of the debts of those who in rank were their superiors, were refused relief unless they would enter the poor-house; out-door relief was denied them, fit as they were to receive it. They had, in the whole course of their honest lives, never been in a poor-house, and they would have starved rather than have submitted to what they had in the first instance been taught, and in the last clamoured to regard, as a degradation. The law began by being unpopular. It was such acts as these that continued to engender dislike to it, but now that its provisions had been fairly tried, let them look at the result. The poor, in well managed counties, now began to feel the advantages of the law; he spoke from a direct knowledge of his own county, as well as on information from others; and in place of regarding its provisions with horror—instead of shunning the poor-house, they presented themselves willingly to seek its shelter and protection. There existed not a doubt that the Poor-law Amendment Act was progressing most satisfactorily. In his own county, and, locally speaking, even where the poor were always well managed, the Act was of infinite service. The rates there had been reduced on an average of twenty per cent. from the average taken of the three years preceding the formation of the union. By this, he meant the amount paid for relief. At the formation of that union in 1836, the number of able-bodied paupers receiving relief were 847, and on the 15th of January, 1841, that number was reduced to twenty-six. But

he would not tire the House with notes he had made from facts undoubted, but this New Poor-law was a subject that would carry congratulation with it, and as such he freely offered it to the House. Again, let them look at the peaceable state of the great manufacturing districts, and of the agricultural population and the masses of the people. In spite of letters from "the Felon Cell," calling for, praying for, and endeavouring to stir up insubordinate assemblages, cloaked as such addresses usually were with a flimsy garb of a recommendation to abstain from "drunkenness and riot"—a mere subterfuge against personal responsibility—we find that "Manchester, and every town in Lancashire and Yorkshire," have scarce been moved; and that generally throughout the kingdom the great masses of the people have begun to show an apter disposition to reflect upon the consequence of things, and to blush at the absurdity of the Chartist cry. He might fairly say that the deceptive snow-ball of the Chartists, rolled in the first instance by a disaffected few, who, like thieves in the crowd, had little to lose by riot, but everything to gain by general confusion, had been, and was, melting away before the measures of her Majesty's Ministers and the re-awakened sense of the majority of the people. The blessings of the agriculturist throve upon his farm; his home was beyond the reach of want; the incendiary was forgotten; and the day-labourer returned in comfort to his cottage. He, perhaps, should ask pardon for having trespassed thus upon the House; but a sense of duty—a feeling of gratitude to the Government he had so often supported, and on certain occasions as freely opposed, had led him into some discussion. He would now hope, that as her Majesty's Ministers had proved that they had successfully cultivated and used the art of war, that they would in time to come as sedulously cherish the greater blessings of peace and the resources placed at their command, widely and generally extending such civil and religious benefits as might prove treasures to mankind, whatever were their station, state, their creed, or colour. Impressed with the propriety of the Address his noble Friend had moved, elated as the House should be with glorious reasons for congratulation of the most domestic as well as of the most national description, let him beseech them to join with him in the declaration, that under such circumstances as their foreign and domestic policy offered, and at

such a thrice-happy period as this, when, for reasons dear to the heart of the highest and lowest subject in the realm, all should be concord, sunshine, and uninterrupted harmony around the Throne, they could not but join unanimously in an address expressive of their loyalty and affection, and of their deep sense of gratitude that, under Divine Providence, the British policy had prospered.

Mr. Grote : In offering to the House a few remarks on the Address which has been proposed for our adoption, I shall not think it necessary to examine in detail the Speech which has been read from the Throne, nor to touch upon all or even most of the topics which it brings before us. The Speech, taken as a whole, is not very rich in promises: it presents to us the sketch of a Session as blank in prospect as the last Session was in reality. But there is, among the public matters adverted to in the Speech, one eminent above the rest in interest and importance, which has excited men's minds and stimulated discussion to an unprecedented extent within the last seven months—I mean the expedition sent against Mehemet Ali in Syria, together with its causes and its consequences. On that topic I beg to trouble the House with some remarks: and, in approaching the subject, it is my first duty to say, that I thoroughly agree with what has been stated by the noble Mover of the Address, as well as in the Speech itself, in commendation of the gallantry, the efficiency, the naval skill and precision of our armament in its operations on the Syrian coast. But though I perfectly concur with the noble Lord in applauding the military conduct and merits of our officers and seamen, I cannot equally concur with him in commending the spirit in which the expedition was conceived, or the purpose which it was intended to accomplish. I cannot forget, that we have been exerting our force against persons with whom we have not the slenderest ground of quarrel. Neither Mehemet Ali nor his supporters, nor any other person in Syria, has done the least injury to English men or to English interests. We have no complaints to redress—no injuries to avenge—no cause for anger or displeasure against any one. Nay, in so far as we and the other Christian nations of Europe are concerned, it stands on record, that we have been unquestionable gainers by the government of

the Pacha in Syria. Whether his government may have proved comparatively better or comparatively worse than the Turkish rule which preceded it, for the Mussulmen of Syria, there is indisputable evidence that the Christians of Syria have been much better dealt with under the Pacha's government than ever they were before. The trade of Europeans generally, and of the English especially, with Syria, has been largely augmented since the beginning of the Pacha's rule in 1833; the number of established English merchants has multiplied, and the Christian inhabitants of the Syrian towns enjoy juster dealing in respect to their property, more extended civil rights, and firmer protection against Mussulman fanatics, than the previous Turkish government afforded to them. If, then, we have attacked and expelled Mehemet Ali without any of the ordinary and universally recognised motives to war, on what ground is the expedition to be justified? We are told, that the expedition was undertaken for the purpose of effecting a settlement of the Ottoman empire, and of maintaining the independence and integrity of that empire under its present dynasty, a guarantee to such effect having been given to the Sultan by the five great Powers of Europe on the 27th of July, 1839. The treaty of last July, and the execution of that treaty by the recent expedition, is set forth as a particular case coming under the general guarantee. To me, I confess that this reason appears neither sufficient nor satisfactory. I dispute the wisdom and justice of the expedition: I dispute still more the wisdom and justice of the guarantee out of which the expedition is said to have grown. I will for the present put aside the proclaimed repugnance of the French to the treaty of the 15th of July, and the grave perils with which their repugnance has been accompanied. I will suppose France acquiescent, and I shall still contend, that our enterprise against Mehemet Ali is one which ought not to have been undertaken. There are two ways in which the note of the 27th July, 1839, pledging the five powers to maintain the independence and integrity of the Ottoman empire under its present dynasty, may be understood; there are two classes of dangers against which it may be supposed to guard. Either it may be considered as a covenant on the part of the five powers, each with the other, and all

together with the Sultan, to abstain simply from any encroachment on the Porte, open or insidious, and to leave all the rights and territories of the Porte unimpaired, so far as foreigners are concerned; or it may be considered in a larger sense, as a bond on the part of the five powers to secure absolutely to the Sultan and to his successors, the Turkish empire as it now stands, entire and undiminished—to guarantee him and his successors, not merely from external attack, but from all internal revolt or disruption of their empire—to guarantee them by armed interference on the part of foreigners, against all organised disobedience, and all attempt at self-emancipation on the part of any person in their dominions. The agreement of the 27th of July, 1839, I say, admits of being construed in either of these two senses. Construed in the first sense, I find nothing whatever to blame in it. It conveys a public pledge, that none of the five powers will take advantage of the distress of a neighbour; a pledge not altogether unreasonable, since some of them had been suspected of harbouring aggressive designs. But construed in the second or larger sense—and this larger sense has now been given to it by the treaty of last July and by our Syrian expedition—it seems to me to open a scheme of policy objectionable in every way—uncalled for, impolitic, indefinite in point of extent, and indefensible on any correct view of international obligation. I hope Gentlemen will not be displeased if I ask them, whether they have fully reviewed the extent of consequences implied in this obligation to guarantee the Turkish empire both against invasion from without, and also against all internal causes of revolt or dismemberment? Have they studied the past course of Turkish history, so as to understand the real character and working of that government to which they are thus lending forced and artificial perpetuity? Are they aware that the quarrels of Pachas one with another, and the disobedience of Pachas towards the Porte, are almost a part of the order of nature in the Ottoman empire; and are they still prepared to promise constant armed interference in support of the internal authority of the Sultan? But we often hear it maintained, that it is proper for us to act as armed protectors of the Turkish empire, in consequence of considerations connected with Russia. It is often contended that we ought to interfere—not on the ground

of obligation towards the Sultan—still less on the ground of any expected benefit to ourselves—but in order to defeat the views of the Emperor Nicholas, who will interfere if we do not, and who will thereby be enabled to further his own ambitious designs upon Constantinople. This argument implies a tacit assumption, which, when openly announced, will appear both startling to the ear, and inadmissible to reason. It implies that, wishing to obstruct certain aggressive designs which Russia is insidiously pursuing against Turkey, you have no other preventive means to employ, except that of outbidding Russia in offers of service to the Sultan. It implies that, if Russia places a certain number of troops at the disposal of the Sultan, or proposes to execute for him any given business, you must make a similar tender: if she increases her bidding, you must increase yours also; above all things you must take care that she shall not get the benefit of the job. So that whatever service Russia may propose to render, having sinister motives to stimulate her in the duty, you, who have no sinister motives, must propose to do likewise, for the sole and exclusive purpose of disappointing her and shutting her out. I think the mere plain statement of this argument is enough to prove how little it ought to guide our conclusions. It is an argument which degrades our foreign policy into a blind sequacity and imitation of Russia—it is an argument which involves the most exaggerated apprehension of Russia, but which, nevertheless, presents to you no securities against Russian ambition, except such as are both the most troublesome, the most costly, and the least effectual. Certainly, if the only method which we possess of excluding the Emperor Nicholas from Constantinople is to keep constantly ahead of him in devoted offers to the Sultan, our chance of success is but slender. He will be quite sure to tire us out in the competition. The eager appetite and never-ceasing importunity of an ambitious aggressor will infallibly triumph over the languor and slackness of mere disinterested precaution. If we are to assume, as a point conceded, that it is a vital and primary object with England to shut out Russia from Constantinople, it is fortunate that we possess rather more powerful machinery for doing so than the chance of outbidding the Emperor Nicholas in his offers of troops to the Divan. Depend

upon it, the real security against the acquisition of Constantinople by Russia consists in the direct terror of your arms. Your fleets and your armies, ready to be employed in the way of direct prevention, form a guarantee both very notorious and very sufficient. So long as the Russian Emperor knows that he will not be permitted either by England or by France to hold Constantinople, so long will he abstain from attempting it. I contend that this proposition of giving guarantees to the Sultan, not because such guarantees are proper in themselves, but because Russia will give them if we do not, is a proposition neither consistent with honour nor with policy. It carries us we know not whither, and after all it furnishes no effectual security against that which we desire to prevent. But in so far as concerns our Syrian expedition, it surely requires no very long-drawn deduction to prove that we have acquired thereby no increased securities against Russian ambition. Why, Russia is herself the grand projector of the enterprise. We are taking securities against Russian aggrandisement, at the instance and with the co-operation of Russia herself. We are consulting the very party whom we suspect of entertaining thievish designs, as to the best means of locking up and preserving our treasure. I have always understood that Count Brunow, the Russian negotiator, with whom this treaty originated, is a man of distinguished sagacity; at any rate, no one has ever imputed to him suicidal perverseness or stupidity; and unless you suppose that he is thus ruining his own harvest, one of two things must be true—either Russia has no aggressive designs against Turkey, in which case precautions on our part are superfluous, and we have no motive for intermeddling, or else Russia has aggressive designs, but such as admit of being executed as well, or better, after the expulsion of the Pacha from Syria as before it. Choose which of these alternatives you will, the conduct of Russia herself is the best possible evidence that your Syrian proceedings are no way calculated to arrest the progress of Russian aggression, if any such aggression be really contemplated. We may escape, and I fervently trust that we shall escape, the present and terrible reality of a European war; but we have been hurried on to the verge of such a calamity, and even the premonitory symptoms and harbingers of war are

full of serious and actual mischief. We hear of almost all Europe being placed upon an enlarged military establishment, and upon a footing of what has been called armed peace. This, of itself, is no light mischief; but the feelings in which it originates—the hostile tendencies which it fomented and multiplies—the uncertainties of the future, which check all permanent outlay and long-sighted calculation—the transformation of friends and well-wishers into angry accusers and recriminants—the dreams of conquest which inflame men's minds in one quarter, and the anxious apprehensions which beset them in another—all these phenomena, overspreading and tainting the moral atmosphere of Europe, are mischiefs of a still more enduring character. I confess that this contrast between the beginning and the end of 1840 smites me with the deepest sorrow. Entertaining, as I do, a lofty opinion of the French nation collectively, as placed in the front rank, both of European civilization and constitutional government—profoundly admiring the glorious names which they have furnished in every department of human genius and excellence—I consider the rupture of the good understanding between England and France as a signal calamity for both. And I deplore it the more when I recollect that the initial cause of so fatal a change—the tropical point from which the sun of peace began to avert his cheering rays from the latitude of Europe, is to be found in the treaty signed by the noble Secretary last July, and in our Syrian expedition which has followed it. Now I would entreat the House calmly to consider what benefit we have acquired by our treaty, and by our Syrian expedition, such as are at all fit to counterbalance the manifold evils arising out of this revival of the feelings of 1815, and this disruption of the European brotherhood? The noble Secretary for Foreign Affairs professes to have settled the eastern question. Grant him this. Does the House recollect what he has unsettled? Why, he has unsettled a thing of far more terrific import and magnitude—the relations of the great and powerful kingdom of France, numbering her 34,000,000 of compact and energetic population, big with exuberant force and dangerous recollections—he has unsettled all the relations of France with the remaining portions of Europe. He has cured, or he professes to have cured, a distemper in

the extremities of our continent; but the very medicine which he has employed has driven the distemper violently into the heart and vitals. He has awakened a thousand slumbering elements of evil in the sensitive and tremulous regions of central Europe—elements which were before buried in the depth of men's bosoms, and overlaid by kindly sympathies as well as by enlightened calculation—elements which, when once aroused, are but too fearfully infectious, and traverse from land to land with the rapidity of an epidemic disorder. Against such risks and mischiefs is it a sufficient consolation to hear that what the Turks call order reigns in Syria, and that we have overreached Russia by executing a Russian plan of campaign? I deny, that there were any mischiefs so intolerable, or any dangers so imminent in the state of things as it existed at the beginning of last July, as to constitute a case of imperious necessity, and to call upon the noble Lord at the head of the Foreign Department, to force forward a new settlement at all or any hazard. And the House will recollect, that the state of the Ottoman empire, until the very moment when the noble Lord signed the Quadruple Treaty, was still conformable to a previous settlement which had been made in 1833—I mean the convention of Kutayah. Now to this settlement, made in 1833, the noble Lord was himself a consenting party. He officially announced to Parliament, in the Speech from the Throne, at the beginning of the Session of 1834, that a settlement had been made of the Ottoman empire, and that he hoped that that settlement would continue undisturbed. Nay more, the noble Lord, in a speech which he delivered in this House on the 17th of March, 1834, told the House.

“That the communications made by the British Government to the Pacha of Egypt, and to Ibrahim Pacha, did materially contribute to bring about that arrangement between the Sultan and the Pacha by which the war was terminated.”

Here, then, was a settlement, the convention of Kutayah, which the noble Lord formally acknowledged, and which he had even in part contributed to bring about. How came it that this settlement did not stand, and by whom was it subverted? As far as Mehemet Ali is concerned, the settlement of Kutayah has never been violated: the Pacha held in 1840 the

same territory which that convention had allotted to him, without any subsequent increase. The Sultan tried to violate the convention in 1839, but was defeated at the battle of Nezib. What the Sultan vainly tried to do with his own forces in 1839, the noble Lord has done for him in 1840. The Anglo-Syrian expedition was the first direct, avowed, effectual rupture of the settlement of Kutayah; and if the noble Lord has accomplished a new settlement of the Ottoman empire, he has at the same time forcibly abrogated a pre-existing settlement, to which he had himself assented. Will the new settlement be lasting? It may undoubtedly last while the noble Lord shall hold the irresistible force of Britain ready to prevent any violation of it, and so long as our ambassador at Constantinople shall be sincerely bent on upholding it. And give me leave to say that, under the same conditions, the convention of Kutayah would have been lasting and inviolate also, and our Syrian expedition would have been unnecessary. If, then, I could admit the premises which are commonly taken as the ground of reasoning upon this question—if I could admit that the internal unity of the Ottoman empire was an object which England was bound to maintain by force of arms, I should still be compelled to deny that the noble Lord had taken the easiest and the most unexceptionable means for such an object. Having once adopted the settlement of Kutayah, he was bound to assist in the maintenance of it by all reasonable means in his power. If he had been only determined seriously to maintain it, we might have been spared both the costs and the hazards of our Syrian expedition and the rupture of our alliance with France. But if the noble Lord chose to become himself the direct agent in subverting the settlement of Kutayah, and in imposing upon the Ottoman world a new settlement conformable to his own ideas, I contend that he was bound by every consideration to see that this new settlement should be such as not to raise any special ground of quarrel and disunion among the great powers of Europe. This was the cardinal point—the great and primary requisite—the absence of which no intrinsic merits in the plan of settlement itself could possibly redeem. How far the treaty of July has fulfilled this condition, let the events of the last six months testify. Such would be my

reasoning in respect to the treaty of July, even if I acquiesced in the principle that the internal arrangement and unity of the Ottoman empire was a matter which the English Government ought to maintain and guarantee by force. But in this I do not acquiesce. If the Turkish empire be disturbed by intestine dissensions, it may be right that we should interpose as far as we can by amicable mediation and good offices, and that we should try to reconcile and bring to harmony contending parties. But that we should go beyond this limit; that we should undertake to maintain the integrity of the Ottoman empire, both against foreign invaders and against itself and its own internal causes of disruption; that we should hold ourselves ready to crush any Pacha who may choose to resist the Sultan's orders, or who may appear likely to declare himself independent; that we should spend the blood and treasure of the English people in providing factitious cement and cohesion for that disorderly mass which nature has in all ages denied to it—against this, I say, I record my deliberate protest, as well as against our recent expedition to subdue Mehemet Ali, which embodies this principle in conspicuous and formidable meaning. As I feel strongly on the subject of our Syrian expedition and its results, I have been tempted to trouble the House at greater length than I could have wished, and I have but one word more to add. If, in respect to our internal affairs, we are destined to obtain no farther progress or improvement—if the cold shadows of finality have at length closed in around us, and intercepted all visions of a brighter future—if the glowing hopes once associated with the Reform Ministry and the Reformed Parliament have perished like an exploded bubble, at least, in regard to our foreign affairs, let us preserve from shipwreck that which is the first of all blessings and necessities; that which was bequeathed to us by the anti-reform ministry and the unreformed Parliament—I mean peace and accord with the leading nations of Europe generally, but especially with our nearest and greatest neighbour, France. The painful conviction forces itself upon me that this peace and accord have already been fearfully endangered by the treaty of July last, and that it must be altogether destroyed if the noble Secretary shall on future occasions take the same measure of our foreign relations and

foreign obligations as he has done during the last autumn, I see in the signature and execution of our treaty of July interests the nearest, the most valuable, and the most comprehensive gratuitously put to hazard for the sake of objects not only petty and remote, but lying out of the sphere of our legitimate action, and therefore, I cannot concur in any address which speaks of the policy of our Syrian expedition either in terms of praise or even in terms of acquiescence.

Mr. *James* considered, that although the hon. Gentleman had spoken at great length against the policy of her Majesty's Government in foreign affairs, he had nevertheless failed to advance any solid arguments in support of his censure. The hon. Member had accused the noble Lord of breaking up the French alliance for inadequate reasons, but he could not concur in that view of the course pursued by the noble Lord. The foreign policy of the present Government had proved itself a sound policy by its results; indeed, no better course could have been pursued. The noble Lord enjoyed not only the approving testimony of his own conscience, but he believed of nearly every Member of that House, as well as of the great majority of the people of England, and perhaps of nine-tenths of the inhabitants of civilized Europe. He knew that in some quarters it was said that the present Administration were weak, inefficient, and incapable of conducting the affairs of the country, either domestic or foreign. He could not see the justice of that remark. If her Majesty's Ministers were to be considered as being correctly described in the terms he had just repeated with respect to our foreign policy, they were, then, beyond all question and experience, the most lucky set of Ministers that England ever possessed; for their foreign policy had been most successful and brilliant in its results, and he very much doubted if ever any Ministry had in so short a space of time so ably vindicated our national honour and established our national interests. It was no business of his to support her Majesty's Government. But he had felt so strongly in favour of their foreign policy, that he was induced to trespass on the attention of the House, to make these few remarks, and to say that he acquiesced most cordially in the address, and that he congratulated her Majesty and the country that the present Ministers were still in office,

and he hoped they would long continue to be so. He thought it not at all improbable that if the hon. Gentlemen on the other side of the House had been in office, or if the hon. Member for London had been Foreign Secretary, instead of that little war to which some people objected, and the recent glorious events of 1840, we should have been involved in all the horrors and fury of a bloody, continental, large war.

Lord *John Russell* said: After the objections that have been made by the hon. Member for London to the course of foreign policy that has been pursued by her Majesty's Government, I think it necessary to state my views of that policy, and to explain the grounds upon which I approve of that policy. I feel confident with regard to any and every objection that may be further urged against the foreign policy of the Ministers, from whatever quarter it may come, my noble Friend, the Secretary of State for the Foreign Department is, and will be, now, and at any future period, perfectly ready to give the fullest explanation to Parliament of the grounds upon which the Government are ready to defend their conduct with regard to that policy. Her Majesty, at the commencement of last Session, informed this House that the great powers of Europe had been unanimous in arresting the hostilities which had taken place in the Levant, and expressed a hope that the same unanimity would continue, and would lead to a final settlement in such a manner as would maintain the integrity and independence of the Ottoman empire, and give additional security to the peace of Europe. With regard to the object which her Majesty declared we had in view—to the great object, I say, in which this House declared their concurrence in their address, namely, to uphold the integrity and independence of the Ottoman empire, and, by the settlement of the affairs of the Levant, to give fresh security for the peace of Europe; to these views, the policy of her Majesty's Government has been directed; from that object they have never swerved; and I trust I shall be able to show that the course they have pursued was the best course, and perhaps, I may add, the only course conducive to that end. Sir, I am relieved from the necessity of argument as to the great importance of the object in view, both by the general concurrence of this House not only in the Address of last year, but in the course of

many years past. I am relieved likewise from the necessity of so arguing by the admission of the hon. Member for London, who, although he has said he would have attained the object by different means, yet conceives the maintenance of the integrity and independence of the Ottoman empire to be a measure of the highest importance. The hon. Member for London says he would have taken different means. I, perhaps, may make one general remark before I enter upon the discussion of this topic, because I believe it goes to the bottom of the difference between the hon. Member and myself—a difference which he has stated with his usual perspicuity, while informing the House in what manner he thought a pacific policy ought to be pursued. It seems to be the opinion of the hon. Member that the peace of Europe would be best attained by interfering as little as possible with the general affairs of the continent, but using, when necessary, the terror of the fleets and armies of the empire. I differ from the hon. Gentleman. I say that by alliance with those powers of Europe, so much interested in the preservation of the balance of power by continual and vigilant attention to the events which from time to time arise affecting that balance—you only can succeed in maintaining that peace and preserving that balance. I conceive this to be the case, so far as regards the general reasoning upon the matter. If you look to the course of perhaps the most pacific Minister that ever guided the destinies of this empire—I mean Sir Robert Walpole—you will observe that, so far from being inactive, so far from being inattentive to the course of events, he was ever vigilant and watchful, ever taking part in treaties, and throwing the balance of power from one state to another, as the case might be, and in one year alone he fitted out a fleet of twenty-five sail of the line. So much, then, for the general course which the Government of this country has pursued. I will now proceed to consider the particular case in question, although I may perhaps have to argue it again. I will take the case as put by the hon. Member for London, and then I will ask, whether his policy would tend most to the maintenance of peace and the preservation of the balance of power. The hon. Member would not have interfered in Syria, he would not have given an opinion with respect to Mehemet Ali; but in case of the Pacha attempting to obtain preponderance in Turkey, and to obtain influence

at Constantinople, then, as I understand the hon. Member, he would have used the terror of our fleets and armies to deter the Pacha from the continuance of such attempts. Let me suppose a case conformable to this policy of the hon. Member for London. Suppose, then, when called upon for aid by Turkey, we said, "We mean to give you no assistance;" suppose we had said, with respect to this question, "We think that it is not one upon which it is incumbent on England to express an opinion," and then, driven back by our resolution not to assist him, the Sultan had looked to Russia alone for succour. Suppose, then, that Russia, yielding to temptation, had taken the measures which, with the large fleets and armies at her disposal, she was able to take—suppose her ambition had increased with our inertness—her projects of dominion had risen with our want of energy—is it to be said that the terror of our fleets and armies alone would have been able to arrest her progress? I will ask whether a peremptory summons on the part of England would then have been of great avail? If, then, you had taken the course of amicable discussion, and had thus attempted to ward off a war, as suggested by the hon. Gentleman, would the attempt have succeeded? I say the policy of the hon. Gentleman would have been almost certain to produce the war which he has deprecated. I will admit to the hon. Member that we are not, when the Pacha of Albania, or of any other province of the Turkish empire, may become disobedient and rebellious to the Sultan, or that when the Sultan may say to us; that he finds his authority in Syria resisted by tribes of mountaineers—in such a case, I say, we are not to resort to arms as the means by which the inconvenience is to be remedied. I admit that to the hon. Member; but the fault of the hon. Member's argument is, that he supposes all cases to be alike—he makes no distinction between them, but says you are to lay down a mathematical rule generally applicable to all, and from which you are not to deviate under any circumstances. The hon. Member says, that because the course adopted in the present case has been taken, we are consequently to support the Sultan against every rebellious pacha in his dominions. But is it to be said, that when an empire is in convulsion—a powerful and triumphant pacha, shaking off the authority of his sovereign, and even aiming at the mastery—at a time when war is hover-

ing over Europe—with such indications as these, is it to be said that we are to look calmly on, and not interfere. The hon. Member for London says there must be an undeviating rule applicable to all these cases. I deny it. It is not in the nature of human affairs, that there should be such an universal, unalterable rule. You must take cases as they rise; you must view circumstances as they are in existence, and upon those circumstances you must judge what course is best for the preservation of the peace of Europe, and the honour and dignity of the Crown. Then, what has been the case in the present instance? The war which ended with the treaty of Adrianople had greatly weakened the power of the Turkish empire. The Sultan, whom we had always expressed ourselves ready to befriend, continually urged upon the British ambassador, that the danger to him did not only arise from European powers—he said it was necessary for him to have protection against his own vassal—from England if she would grant it, or from Russia if she would afford it to him—but protection he must have against a vassal of his own who was growing too strong for him, and whose means and resources were increasing every day. A contest took place, in which that Pacha still increased his power, and threatened more nearly and more deeply the stability of the Turkish empire. On one of those occasions the forces of the Sultan were defeated at the battle of Nezib. The Sultan asked for the assistance of this country. Russia granted him that assistance, and Russia, as I think, most imprudently for her own interest, but not unnaturally as regarded her position, obtained peculiar advantages for herself by the treaty of Unkiar Skelessi. True, this did not substantially increase the power of Russia, yet it was a general warning to Europe, that if that treaty was to be followed up by acts—if it was to be followed up by other treaties and other supports—it would establish an exclusive protectorate on the part of Russia over Turkey. Such was the view taken by the king's government, and that government did not hesitate to say to the government of Russia, that that was a treaty which England could not consider as forming a part of the law of Europe, and that England would in future consider herself at liberty to act as if that treaty was not in existence. The same course was followed with France. I forget at this moment what was the course taken with the go-

vernment of Austria. This, Sir, was not a safe condition for Europe to be in. There were no Russian troops in the capital of Turkey; but such dangers might at any time have arisen as to call for their presence there; and it could not be said that the peace of Europe was safe so long as affairs were in that state as related to powers like Russia and Turkey on the one part, and Russia and England on the other. The Sultan died, and there were no hands which could assume with the same vigour the reins of government. Mehemet Ali was then in the position which my noble Friend so clearly describes in his note of the 31st August. Hon. Members will see in that note the opinion held by her Majesty's Government on the position of Mehemet Ali, possessed of Egypt and Syria, with both military and naval forces disproportionate to his station, and beyond that point which this Government considered it natural he should support—with a position threatening Bagdad, on the one hand, and the Sultan on the other. In that note also was mentioned the intention of Mehemet Ali to render himself independent of the Sultan. I will ask, did not this position threaten the integrity and independence of the Ottoman empire? But there is still more. I will take the statement I am about to make, not from the note of my noble Friend, but from a French minister, one of the ministry called the ministry of the 12th of May, which was in power at the time when these events took place. Propositions had been made to Mehemet Ali by the Sultan, but they were such propositions as might have been expected to be made by a young sovereign, whose power had been weakened. M. Passy said, that those propositions were rejected. Mehemet Ali demanded possession of all he occupied. But he did not stop there; he demanded the dismissal of the Grand Vizier, whom he considered his personal enemy. He addressed letters to the other pachas of the empire, inviting them to join him, and to proclaim, like him, their independence. I ask, was not this threatening the integrity and independence of the Ottoman empire? M. Passy also said, that he had intelligence that Mehemet Ali endeavoured to promote tumults and insurrections in Constantinople, and among those facts there were some others which his present position prevented M. Passy from revealing. This, Sir, is the statement of a French minister—one favourable to Mehemet Ali; this is his

account of the position of the Pacha. That, not being satisfied with the great power he possessed in Egypt and Syria, he invited the neighbouring pachas to rebel against the Sultan—that he was carrying on these dangerous projects—that what he wished to establish was not only influence, but power in the heart of the Turkish empire. We might, indeed, say that this is a matter remote from our interests—that Mehemet Ali might be as a good a sovereign as the Sultan. But there is one little circumstance which I beg the hon. Member to consider. It is this: that the Emperor of Russia might take no such view. That sovereign might say, I have a treaty with the lawful Sultan of Turkey; or the Emperor of Austria might say the same; and that the maintenance of those treaties was their interest as well as duty. Foreign troops, Russian or Austrian, would then have occupied Constantinople, and, in point of fact, there must have been war raging in the east, such a contest as might be expected to be carried on between two such powers as Russia on the one hand, and the Sultan on the other—such a contest as it would have been impossible for Great Britain to look on, forgetful of all her treaties, all her alliances, all her declarations in favour of the integrity and independence of the Ottoman empire. If, indeed, she could have been so neglectful, so unmindful of her duties, she would have been obliged at last to interfere, and would ultimately have been brought into a war, amid all those evils which it is the pacific policy of the hon. Member for London to avoid. The ambassadors of the great powers declared at Constantinople, that it was the wish of the sovereigns they represented, that the Sultan should not conclude a separate settlement with Mehemet Ali, but should wait the result of their views, after they had consulted as to the best course to be pursued. As I have stated what I think was the interest of England, and as I have stated the views of a French minister with regard to the projects of Mehemet Ali, I will now quote the opinion of the government of France of that day, and I think the letter will show that the government of France took the same view as the Government of England did—namely, that the first object was the general preservation of the integrity and independence of the Turkish empire. The noble Lord read the following extract from a letter addressed by the French Minister of Fo-

reign Affairs, M. Passy, to the government of Austria.

"In a communication made on the 25th of September to the Cabinet of Vienna, of a plan of arrangement; the Cabinet of May 12th said, that it was thus necessary to protect Mehemet Ali."

"No peculiar predilection animates us in favour of the Egyptian power. We certainly should not see without some regret the extraordinary work of Mehemet Ali overturned, and which, in the midst of numerous imperfections, contains undoubtedly the germs of numerous improvements: but our faith in the duration of this work is not stable enough to induce us to think of causing it to form the base of a political system. We much rather believe, that at an epoch more or less distant, the vast provinces now under the power of the Viceroy, are destined to return under the immediate rule of the Sultan, and that the Ottoman Empire, notwithstanding its present fallen state of power, is still destined to outline the establishment of Mehemet Ali, to absorb it, even, some day—because bound up with that fallen state, there remains, in its antiquity, in that religious character peculiarly attached to the Ottoman dynasty, in the resemblance of ideas, and of oriental institutions, a moral force which belongs only to itself.

"In thus looking forward to an occurrence which we do not fear or desire, but in respect to which it appears to us wise to regulate our policy, because it is probable, we think certainly that we should take into very serious consideration, the means of giving as much stability as possible to an empire, destined, according to appearance, to remain for a long time one of the principal elements of a political equilibrium."

This was the view of the government then existing in France, and it certainly shows an approximation to the views at that time entertained by the other great powers of Europe. [Mr. *D'Israeli*: In what year was this view expressed?] It was in the year 1839. I believe it is unnecessary that I should now state what took place with regard to the collective note signed by the representatives of the great European powers at Constantinople. After the signing of that note, it became necessary, that the great powers should come to some immediate understanding as to what should be done in consequence of it, and to that end it was not only desirable, but imperative, that a conference should be held. The communication I have just read was a communication which was stated in the French Chamber of Deputies to have been made by the French government to the government of Austria. About the time that this communication was made by France to Austria, the pre-

sent Russian ambassador, M. Brunow, arrived in this country with propositions upon the same subject. Those propositions were stated by him to my noble Friend, the Secretary of State for Foreign Affairs. My noble Friend, so far from desiring to make any separate agreement—so far from desiring to disunite this country from the alliance with France, which we have always endeavoured to maintain as one of the securities for the peace of Europe—so far from wishing to make any such arrangement, the first thing that my noble Friend did was to communicate the propositions in the same terms as those in which he had received them, without stating his own decision, much less the decision of her Majesty's Government, upon them, to the French ambassador, by whom they were immediately transmitted to the French government. The answer made by the French government has already been quoted in the course of the discussion of this evening. It appears from what has since been stated, that the French government at that time supposed, that the Government of this country were disposed to agree with the propositions made to them, and that they had submitted an alternative, which had not before occurred to them, with regard to the entrance of the combined fleets into the Dardanelles. That, however, is an error in the statement of the French minister, for, whilst such was the opinion of the French government, the opinion of the Government of England was always formed—that if these operations were to take place—if Mehemet Ali was to be confined within certain defined limits—if one of the powers of Europe should attempt to take possession of Constantinople, then an English and French fleet should enter the Dardanelles. That was the opinion of the English Government, and had the overture been at once rejected by Russia, there would have been an end to all negotiation with that power upon the subject. The Emperor of Russia, however, most wisely for the interests of his own empire, most fortunately for the peace of Europe, was disposed not to continue in that separate course of policy out of which much of the danger that threatened the integrity of the Turkish empire, and the peace of Europe had arisen, but was ready to co-operate with the other powers of Europe, with England, with France, with Austria, and with Prussia, for the purpose of making a final arrangement of the Eastern ques-

tion. And I must say, that whatever the former projects of Russia may have been, or whatever, at some future time, may be the intentions of so great a military power, the conduct of the Emperor throughout the whole of the negotiations upon this subject had been marked by the most perfect good faith, and by a sincere and earnest desire to co-operate with the other powers of Europe in such a way as to make the events in the east an occasion for settling on a firm and secure basis the peace of the Levant. There was no reason that I know of to suppose that the government of France would refuse to be a party to such arrangement. When I say there was no reason, I mean that there was no reason that I know of, either in the interests of France, in the general language which the government of France had held with respect to the integrity and independence of the Turkish empire, nor in the public declarations which France had made upon the subject, that could induce us to suppose that she would refuse to become a party to the arrangement. There was, therefore, reason to hope that, in the course of the negotiations which would necessarily take place prior to a final settlement of the question, any difference of opinion that France might entertain as to the portions of Syria which should be left to the Egyptian would have yielded to the general opinion, whatever that opinion might be, of the other opinions of Europe. If that opinion had been less favourable to the views of my noble Friend the Secretary for Foreign Affairs than it turned out to be—if Russia, Austria, and Prussia had been inclined to give a greater portion of Syria to Mehemet Ali than my noble Friend was disposed to give, I do not believe that we should have dissented from that opinion. But what I am quite sure of is, that if we had found it necessary to dissent from the decision of the other powers—if we thought that the arrangement was not sufficiently secure, not sufficiently advantageous to the Sultan, we should never have thought that that difference of opinion with the great powers of Europe would at all have justified us in complaining of insult and injury; and still less have justified us in demanding of this House and advising our Sovereign to increase to an enormous extent the armaments of the kingdom. Therefore, when the hon. Member for London says, that it is a misfortune that

there is an estrangement between France and this country, I entirely agree with him in lamenting that occurrence; when he says that every effort ought to have been made to induce France to combine in the general arrangement proposed by the other powers of Europe, I entirely concur with him; but I cannot agree with him when he says, that the blame of producing the estrangement ought to be visited upon the Government of this country. So far from that being the case, I maintain that the blame properly and justly belongs to that Government which not only differed in opinion from all the other powers, but endeavoured to make the difference national, by appealing to the passions of the people, and threatened the peace of Europe by the preparation of vast armaments. I should rather say, that the blame of the estrangement belonged to France for the course of policy she adopted at the time that the treaty of July took place. I shall not think it necessary to quote more than a very few words of what occurred whilst the negotiations were going on; and those few words will be taken from a despatch and a letter which had been given to the world in the discussions in the French Chambers, and which were addressed by M. Guizot, the French ambassador in this country, to the government of France. It appears, that whilst the negotiations were going on from October, 1839, to July, 1840, every effort was made by my noble Friend the Secretary for Foreign Affairs, in concert with the government of Austria, which was most earnest upon the subject, to devise some arrangement which, securing the integrity and independence of Turkey, should still be of such a nature as to admit of the concurrence of France. It appears also, from the papers to which I am now about to refer, that, whilst all this was going on, the French ambassador in this country foresaw that if no approximation were made by the French government to the views of the rest of the powers, it was likely that the negotiations would end in the separation of France. It appears, that on the 17th of March, M. Guizot wrote to the Foreign Minister of France as follows:—

“But it may likewise happen, that matters may be hastened, and that we may soon find ourselves obliged to take a decision.

“If that happens, the alternative in which

we shall be placed, will be this,—Either to agree with England, acting with her in the question of Constantinople, and obtaining from her in the question of Syria concessions for Mehemet Ali—or, to withdraw from the business; allowing it to be concluded between the Four Powers, and keeping ourselves aloof, waiting for events. I do not affirm, that in this case the conclusion between the Four Powers is certain. New difficulties may arise.

“I only say, that this conclusion appears to me probable, and that if we do not make the attempt to bring about between us and England, upon the question of Syria, a compromise with which the Pacha may be contented, we may expect the other issue, the arrangement between four, and hold ourselves prepared.

“It is important that you should know the state of things, and not make for yourselves any illusion upon the probable chances.

“There is here, in the Cabinet, a sincere desire to maintain and to draw closer the French alliance, but, that this desire, and the prospective difficulties of execution, should outweigh the motives which drive England to seize the occasion of settling according to her own political views the questions of Constantinople and Syria, that I cannot affirm.

On the day before (the 16th of March), M. Guizot wrote in a despatch:—

“By a singular concurrence of circumstances, Russia shows herself disposed to abandon to adjourn, at least, not only her projects of aggrandisement, but her pretensions of an exclusive protectorate over the Ottoman Empire, and to second England in her design of weakening the Pacha of Egypt.

Now, I say, that this passage proves, that in the course of the negotiations there had been a manifestation of readiness on the part of Russia to abandon designs which, in this country, and in other countries of Europe, had been thought of extreme danger to the stability of peace. I maintain that that one sentence proves the advantage which had been so far gained by the negotiations which were then going on. But with regard to the position of France, M. Guizot, after saying, that he thinks time may perhaps be gained, proceeds to observe—

“It may also happen that events may receive a new impetus, and that we shall soon be obliged to take a decided part. If this should happen, the alternative in which we shall be placed will be this: either to act in concert with England on the question of Constantinople, and in obtaining from her, in that of Syria, some concessions for Mehemet Ali, or to withdraw from the negotiation, leaving it to be conducted amongst the four powers, and holding ourselves apart to await the course

of events. I do not affirm that in this case a conclusion by the four powers is certain; new difficulties may arise. I only say, that in my view such a conclusion appears probable, and that if we do not make an endeavour to bring about, between us and England, an arrangement on the Syrian question with which the Pacha ought to be satisfied, we should be prepared for the other issue, the settlement by the four powers. It is important that you should perfectly understand the state of things, and not make any false calculations on the probable chances. There is in the cabinet here a sincere desire to maintain and strengthen the alliances with France. But that, this desire, and the prospect of the difficulties in carrying it out, will outweigh the motives which urge England to seize an opportunity of settling, according to its own views of policy, the questions of Constantinople and Syria, is what I will not venture to affirm."

That was the letter, written, according to his own account of it by the French ambassador, on the 16th of March, to the Minister of Foreign affairs in France. From that time we never had a proposition which it seemed to us would combine these advantages. On the 17th of July my noble Friend informed the French ambassador of the conclusion of the convention; and yet the government of France of that day assumed, that it was taken unawares

that it was taken by surprise—that England had acted injuriously to France in concluding the convention, and that no notice had been given of a disposition on the part of the Powers to determine the question independently of France. I cannot say, that I think there was any justice in this complaint. I lament the estrangement and the irritation which thereupon arose in France, because of the people of France, of a people so enlightened, of a people so gallant, of a people who have done so much service to the civilisation of Europe and of the world—of such a people, of such a nation—I cannot speak except with feelings of sincere esteem. Nor can I wonder, that when the government of France, having the direction of affairs, and knowing what had taken place, gave it to be understood that France had been insulted, that France had been injured, that France had been wounded in her honour and her interests; when such representations were made to the sensitive people of France, I cannot wonder that a great feeling of enstrangement and of irritation towards this country should have taken place. This was the natural

and necessary consequence of the course pursued by the French Government. Seeing how impossible it is for the general mass of a population to follow the train of negotiations, which probably extend over a considerable period of time, it is not to be wondered at that the feelings of the French people should have been aroused and inflamed when they were told by those in whom the trust of government was reposed, that the honour, the dignity, and the interest of their country had been wounded; but I do wonder—I do indeed wonder, that the government of France should have been so reckless as thus to endanger the peace of the two countries thus wanting to increase the feeling of alienation and insecurity that had unfortunately already begun to spring up, and to give it to be understood, that there were in England feelings of hostility and estrangement towards France which never existed. In stating such observations to the House, in answer to the Hon. Member for Kilkenny (Mr. Hume) at the end of the last Session of Parliament, my noble Friend, the Secretary for Foreign Affairs, observed, as strongly as it was possible for him to do, that this treaty was in no way intended against France—that no interest of France, no engagement of France, was at all affected by it—that he lamented that France was not a party to it—that the interests of this country, and he believed of Europe, required that he should take a course opposed to the views of the government of France; but, that the feelings of the English Government, and, he was persuaded, of the the English people, also would continue to be as friendly towards France as ever. That was the feeling upon which this arrangement was entered upon. Why, then, was it not possible to agree with France? My opinion is, that it was impossible to agree with France, because she laid down for herself as a rule, (I cannot conceive upon what ground of French policy or French interest) that whatever Mehemet Ali positively refused to do, no menace or coercion on the part of the European powers should compel him to do. Austria having devised a plan which she thought would be acceptable to France, the French Ministry did not say, that it was a proposition injurious to France and dangerous to the peace of Europe, but took means to ascertain whether it would be acceptable to the Pacha; and when the Pacha said, that he would

not agree to it, the French ministry refused to be a party to it. It appears to me, that far from attending to the honour and interests of France, the interests and dignity of that country were lowered by this kind of proceeding. When the Pacha understood, as he would be sure to understand if the policy of France were adopted, that no actual force was to be employed against him, was it not certain that he would say, in the language of the ambitious and fortunate soldier, "I will not render up an inch of my possessions, I will not yield one of the advantages I have gained by my sword—I will retain all that I have—and if the opportunity occurs I will add to my dominions as much more as I can." What other answer would be natural to the Pacha? But the part of France, as I conceive, was to look to what arrangements would be conducive to the peace of Europe—what arrangement could be adopted consistently with the views of all the great Powers—what arrangement would afford to those powers a common ground upon which all could meet, and when such an arrangement had been devised, then to say to the Pacha, "This is the arrangement that has been made by the powers, and this is the arrangement which you must accept. Therefore, in the course of these transactions I maintain that it was not the conduct of England, not the view which England took of the necessity of supporting the Sultan against the aggressions of the Pacha, which led to the estrangement and separation which I lament; but the unfortunate conduct pursued by the French government in transferring to Mehemet Ali the attachment which they had always expressed towards the Sultan and the Ottoman empire, and which induced them, in regard to every proposition, and to every arrangement proposed by the rest of Europe, to look always to what would be pleasing and acceptable at Alexandria, rather than to what would be secure and honourable at Constantinople. With respect to what took place after the signing of the treaty, I know it has been said, that propositions should again have been made to the government of France. But with what prospects of success could any propositions have been offered? From October 1829, to July 1840, we had negotiated in vain. During the whole of that long period, we had earnestly but vainly endeavoured to bring France to

concur with us. The moment for carrying out the views of the powers who were parties to the treaty, appeared to be favourable. The people of Syria had risen against Mehemet Ali, and were making an effort to throw off his yoke, which they regarded as intolerable. We knew that the opinions of the French government were decidedly adverse to ours. Under these circumstances, if we had asked the French government to sign the treaty, I think it would have produced one of two consequences: either a declaration more hostile than that made when the treaty was actually signed, or, on the other hand, a proposal to negotiate—a proposal to go over the whole of the question again, and thus to have lost the whole of the year 1840, and to have obliged the powers in 1841 to come to some new arrangement upon the subject. When I read the directions given by the French Minister for Foreign Affairs to the French ambassador in London during the time that the negotiations were going on, urging him by all the means in his power to obtain time, to promote delay, to make no propositions, but to raise objections to every suggestion of the other powers, I cannot doubt, that if the consent of the French government had been asked to the treaty, there would have been some cavil about the execution of it, some difference of opinion about the precise terms which admitted of the entrance of an English fleet into the Dardanelles—some difficulty that would have exposed the peace of Europe to still further danger, and have left the settlement of the Eastern question as far off as it was in October of the year preceding. I have not made any remark as to what has happened since the conclusion of the treaty. My noble Friend (Lord Brabazon) and my hon. Friend (Mr. Grantley Berkeley), who moved and seconded the Address, have expressed their sense—a sense in which I am sure the whole of the House will participate—of the gallant conduct of the naval force of this country employed in the Levant. All the persons in the naval and military service employed in the expedition, and especially those who assisted at the siege and capture of Acre, have behaved according to the ancient reputation, and with the accustomed gallantry of Englishmen. I shall be glad if the enterprise, which was undertaken for the sake of restoring Syria to the Sultan, should have

the additional effect of putting an end to the unfounded remarks and unjust imputations which of late years it has been the fashion to make, with respect to the strength and efficiency of the British navy. I ventured last year, when these objections were repeated, when the inefficiency of the navy was again and again insisted upon, I then ventured to say, that it was very difficult when anything was in a state of profound peace, when ships of war had only to sail from one port to another, to prove that they were worthy of the ancient reputation of the British navy; but I added, that if any occasion arose, I was sure they would confound by their deeds all those who ventured to doubt their efficiency, and that they would continue, as heretofore, to maintain the glory of their country. I rejoice that that has been the case, and that the speedy success of their operations has brought us to the eve of the accomplishment of all the objects contemplated by the treaty of July. No doubt the course pursued has been attended with danger. No doubt the estrangement of France, and the view taken by the French government of the position of Mehemet Ali led to considerable panic; but in going over these affairs again, and considering the difficult courses that might have been adopted, I own I can see no course that could have been taken with less immediate danger, and certainly none that would have been more likely to lead to so satisfactory and permanent a result. We may now hope to free the Sultan from the continual dread of a vassal who for a long time has threatened him with an overgrown and formidable power. We may hope to preserve the integrity and independence of the Turkish empire with a great degree of stability, and with revived and improved intelligence. We may hope that the danger which, a few years ago, appeared to be threatening Constantinople from a foreign source will for a long period be averted. If these be the results of the policy proposed by my noble Friend (Viscount Palmerston), and adopted by her Majesty's Government, I think this country will have no reason to complain of the persons in whose hands these affairs have been placed. I think the country will see that the great interests of the peace of Europe, that the great interests connected with the stability of one of the elements of the balance of power, have not been

neglected, and that no consideration of ourselves has prevented us from pursuing a course which, if attended with danger, has likewise been attended with great and important results. Before I conclude my remarks upon the subject of foreign affairs, I may, perhaps, be permitted to say, that I very much lament, that in the course of the discussions in the French Chambers, the name of a most honoured friend of mine, lately deceased, has been not unfrequently referred to for the purpose of showing that there was disunion in the Cabinet of this country, as to the mode of carrying out the treaty of July. I must say, that I think the use which has been made of my noble Friend's name was a most unwarrantable liberty. I am entirely precluded from stating what were the sentiments—what the views of my noble Friend, so lately one of the Colleagues of the present Ministry; but this, at least, I may say, that all his motives were motives connected with the general peace of the world—with that kindness and benevolence which actuated his nature, and which never departed from him in any transaction in which he was engaged; that actuated by these motives, whatever views he urged—whatever policy he supported, he did so with that high sense of honour, with that unflinching integrity and independence which became a man who, for a long course of years, had taken a prominent part in the political concerns of his country—who inherited, with the name, the opinions, and much of the character of Mr. Fox—who, as he was the friend of most of the distinguished men of the present day who have followed Mr. Fox, so likewise was he the representative of those great principles which were maintained by Mr. Fox, which, I think, are intimately connected with the peace, the freedom, and the welfare of mankind. Having stated thus much in vindication of the foreign policy that we have pursued, I shall not, at this moment, trespass upon the House by entering at all upon matters of domestic policy, unless it be to state generally to the hon. Member for London (Mr. Grote) that he is completely mistaken in saying that we are in every sense enemies to improvement. I assert that a continual progress in improvement with regard to all our institutions—with regard to our commercial affairs—with regard to our judicial tribunals—with regard to all matters of domestic concern, is the great

principle by which we wish to abide. But, whilst I will not mistake abuses for institutions, and give to the former the defence which I should give to the latter, so, on the other hand, I will not mistake institutions for abuses, and attack them as if they were nothing more than vices in our political system. I wish to maintain the institutions of this country, and I wish not to undertake any reform—improvement though it be called—which is incompatible with those institutions. I wish to maintain an Established Church—I wish to see an hereditary House of Peers—I wish to maintain an hereditary monarchy. If there be any plans proposed which I think hostile to those institutions, they shall have my decided opposition. I do not wish in the least to disguise my views. If there be any plans proposed which, as I think, would tend to a republic—to overturn the Church, or to the destruction of the hereditary peerage, I shall, as I have always done, state my sentiments to the House and explain the grounds of my opposition. But it is not just to confound the resistance to innovations of this kind—resistance to dangerous changes of this nature, with resistance to improvement. I think that in the present state of this country the safest improvements will be those which can be gradually carried without offering disturbance to our political system. More rapid attempts, whilst they might themselves become the cause of disturbance, would, I think, have the effect of postponing, if not of destroying altogether, the very improvements sought to be obtained. But it is not my purpose to dwell upon this point. In reference to the observation of the hon. Member for London (Mr. Grote) I wish only to say this, that although he may not entertain the same views that I do with respect to the measures to be brought forward for effecting internal improvements, I shall be happy to co-operate with him in introducing many changes that I think would be beneficial. There are many improvements in the administration of justice—many improvements with regard to matters of trade and other affairs, which would lead to no party conflict or excitement, and which would be attended with no great political innovation, which I shall always be happy to lend my humble aid in proposing and carrying. I have now stated what I conceive necessary with regard to the general

views of the foreign policy of the Government. With regard to their domestic policy; many occasions will no doubt occur upon which the opinions of the House may be taken upon it. We are ready to bear our responsibility upon all these matters; and while we do continue the Ministers of the Crown, we will serve the Crown faithfully, and to the best of our ability promote the welfare and happiness of the empire.

Mr. *Milnes* said, that the noble Lord who had just sat down had, he thought, satisfactorily answered the hon. Member for the city of London with respect to the guarantee of the five powers regarding the separation of the Turkish empire; but he wished to impress upon the House that the intervention of this country which had taken place was wholly different from that moral intervention and support given to the Ottoman empire by the guarantee of the five powers, and in this he thought the noble Lord would find, lay the whole secret of the difference between the policy of England and the policy of France. In the case of the quadruple treaty, while this country actively interfered with Spain by sending the Spanish Legion into that country, France refused to interfere, except by the influence of her moral weight. So in this instance France had been ready to give all possible moral weight to an arrangement of the affairs of the Turkish empire, but said she would not consent to use force, or to fire a single gun, because she did not know where its echo would end. Keeping this important declaration in sight, he could not but shortly advert to what he thought a most painful omission in the Speech from the Throne. He was of opinion, that the peculiar situation in which the foreign relations of this country at present stood, not only authorized, but demanded, some expression of regret at the rupture which had occurred between this country and France. Allowing her Majesty Ministers to have been as right and successful as the hon. Member for Cumberland seemed to believe, he was sure such an expression of regret would have been cordially responded to by the House, and received with delight by the whole of this nation. In the absence of any expression of regret, he felt bound to protest against the assumption in the Speech from the Throne, already protested against by the hon. Member for the city of London, and not contradicted by the noble Lord, that the objects of the treaty

of July—namely, the integrity and independence of the Ottoman empire, had been secured. He had waited with anxiety, but had waited in vain, to hear from the noble Lord how the integrity of the Ottoman empire was in a better and more secure position now than it was a year ago. What were they to understand by the word “integrity?” Was it not a mere diplomatic fallacy? For himself he would say, that the integrity of the Ottoman empire, as the phrase had been used, could mean nothing more than the addition to the dominions of the Sultan of those petty districts of Syria which had been withdrawn from him. The independence, however, of no empire could be secured by foreign interference. At present the Ottoman empire was placed under the protectorate of England and Russia, but was the Sultan in a more favourable position now to oppose the encroachments of Russia or of any other power than he was before? England and Russia were in fact face to face in the East. If Mehemet Ali was strong enough to be dangerous to the peace of Europe, then, by their recent proceedings, the Government of England had destroyed the only barrier between Russia and the Ottoman empire, and the only party sufficiently powerful to prevent any farther dismemberment. No person could see in the recent transaction relative to the East any thing else or more than a transfer of the Ottoman empire from the protectorate of the five great powers of Europe to the protectorate of Russia and England alone. It was stated in that House last year, that no one of the powers was to gain anything from the treaty which had been agreed on; but he would recall to the recollection of the noble Lord, the Secretary for Foreign Affairs, that the same stipulations had, he believed, word for word, been made in the fifth article of the treaty of the 5th of July, 1828; but, although the same stipulations had been made in that treaty, the House would do well to remember that it was followed by the war of the Balkan, by Russia taking possession of the mouths of the Danube, by the treaty of Adrianople and the treaty of Unkiar Skelessi. No dependence could, in fact, be placed upon such stipulations when the passions of men were once aroused, and when success attended their operations. He believed sincerely that the noble Lord opposite never contemplated any accession of territory or any exclusive advantage for England, and that all that France had said and thought of

the interested motives of this country was false and without foundation, and he should be glad to hear from the noble Lord again, that such was the real state of the facts, and that he had never contemplated any aggrandizement of English interests. But, although he was convinced that England contemplated no exclusive advantage, yet, at the same time, he, and those who acted with him, and who were opposed to the general policy of the Government, might for that very reason object to the course which had been pursued, and which had been productive of great expense and risk to the nation, while no professed advantage was sought to be obtained. He should, however, bring no such charge against the Government, at this moment, but he did accuse them of short-sightedness, of ignorance of the French people, and of a disregard of French history, and and of the events which were passing amongst the French people. It was no excuse for the present state of affairs betwixt England and France to blame the conduct of M. Thiers, or of any other French Minister. Whatever might be said on that subject, the fact remained the same—that the Government had broken up the system of European policy which had existed since 1815, and returned to the system which had been acted upon before that period. France had always hitherto been either in a state of hostility to the rest of Europe, or in connexion or alliance with the other powers, and, when therefore, she found herself excluded from the recent treaty, she had been led to the conclusion, not unnaturally, that the coalition which had been formed was a coalition hostile to her interests and her honour. The French people could not forget the coalitions which had been formed against Louis 14th, and against Napoleon, and it was not surprising that they should consider a separation from the other powers as an act of hostility to France. He was not there to apologise for the conduct of the French people, but when those susceptibilities to which he had alluded, and which no statesmen ought to neglect, actuated them, then he must say that, unless for the attainment of some most important object, a disruption of the French alliance could only be considered as a most dangerous and terrible experiment. For himself, he would follow the course which had been pursued by the hon. Member for London, and would implore the House to look at their present situation and compare it with

what it was last year, in order that they might see what they had gained by the separation of France from England. What had they gained by the destruction of that alliance of which M. Thiers was the chief cornerstone, and which that minister, who had been that night so severely attacked, had declared to be the best for securing the peace of Europe? It had availed them nothing, but it had given rise to the most angry and ferocious declamation on the part of the French people against England, and brought them to the verge of an European war. These were facts which ought and must be considered in the discussion of this question. He believed, indeed, that if the policy of the present Government had been pursued by a government composed of Members from his side of the House, the effect on the French people would not have been half so disastrous, as they would have considered it but a remnant of the old hostility which they imagined Conservative statesmen entertained towards their country. But the disruption of the alliance had been brought about by those who had always expressed themselves favourable to an union of the two countries, and it was not, therefore, unnatural for the French people to suppose that their exclusion was an act of hostility. The noble Lord, the Secretary for the Colonies, had asked whether any one could believe, that if the people of England had been placed in the position of the people of France, they would have followed the same course of exaggeration which had been pursued by the French people. He knew well the apathy of the people of England in regard to Foreign affairs, and that with their ocean fortifications and wooden walls they were inclined to meddle little with the proceedings of the continental powers of Europe. The people of England required much to arouse them; yet he would say, that if France and Russia had combined to the exclusion of England, as England and Russia had combined to the exclusion of France, he firmly believed the people of this country would have risen as one man, and that no Minister who had ventured to submit to such a combination would have met with their support. What, however, was the state of things to which they had arrived? They were in the state of an armed peace, and in his opinion they ought to ask Ministers night after night how they were to supply the means for the maintenance of such a position? An armed peace was a peace without its profits; it

was war without its stimulants, and without any of those circumstances which could make war tolerable. In other days, even when England could boldly look Europe in the face, and was able to subsidize the other powers, an armed peace was looked upon with terror, and Ministers might depend that there was nothing more trying to a country. Yet it would continue. He would say, that all attempts at disarming on the part of France would be found impracticable. France was blessed with a wise Sovereign and with a prudent Minister; but that would avail nothing, for that Minister would not be able to hold office an hour, if he were to bring down to the Chambers, a proposal for disarming. France then would go on arming, and England, in consequence, would be obliged to arm, and that, too, with all the embarrassments arising from the present state of their finances, with all the disadvantages of a disunited people, and with all the dissatisfaction resulting from the repeal agitation in Ireland. And what would be the end, peace or war? If peace, then, for what object, he would ask, had their treasures been lavished? and if war, then let them consider what war was in these days. Everything which had contributed to the civilization of the world, and the extension of intelligence, every additional shilling of capital invested, every additional child supplied with the elements of education, had made the effects of war more disastrous, and the risk of it more criminal. For his part, he would never consent to England engaging in any war, in which success should not be advantageous to the general interests of humanity and in which defeat itself should not be dishonour. He had now fulfilled what he had considered his duty, in calling upon Ministers for some expression of regret in regard to the present position of England and France. He called upon the Government to heal, if it were possible, the wound which had been inflicted, and by every means in their power, to endeavour to calm the effervescence in France, so as to prepare the way for the admittance of that nation into the coalition of Europe, for till that was effected there could be no certainty of peace, and no security for England. At present they were living in apparent security, but they were on the brink of a precipice. What had become of the treaty of commerce betwixt this country and France, of which they had heard so much last Session? The hope of it was gone,

and it was impossible in the present state of feeling in France, that it could be renewed. He should conclude, as he had begun, with stating his disappointment, that there was no expression of regret in the Speech from the Throne relative to the present position of England and France, and by calling on Ministers to do all in their power to allay the irritation which existed amongst the French people, and to reflect on the terrible consequences of unnecessary war. If for a phantom of a Turkish united empire, or a possible Arab empire, or for any other speculative cause, England was placed in peril of war with France, he did not believe that the people of England would support the Ministers who brought them into such a position. There was in this country no settled animosity to France, and he was, therefore, anxious that every Gentleman, at least, who took part in that discussion should as far as possible, make up for the deficiency in the Speech from the Throne, by expressing individually his regret for the circumstances which had occurred, and his hopes of a speedy adjustment of the points in dispute betwixt this country and France.

Mr. *Hume* said, if he had not paid particular attention to this question, yet still he should have found sufficient grounds for his resistance to the policy of the Government in the Speech of the hon. Member for London. Having endeavoured perhaps too pertinaciously, in the course of last Session, to bring the state of the negotiations on this question under the consideration of the House, he could not allow the present discussion to go on, without pointing out what, indeed, was but a realization of his fears—the dangerous condition in which the Government had placed this country. It would be recollected that so early as the 27th of March of last year, he had moved that the papers explanatory of the negotiations which had taken place between France and England should be laid on the Table. A long discussion ensued, in which the noble Lord the Secretary of State for Foreign Affairs managed adroitly to evade the motion, and to allege as ministers commonly did when they found it inconvenient to produce papers, that it would be injurious to the public service to do so. Yet he was satisfied that he had made the motion which he had done, for it had at least prevented the commencement of hostilities at the time. He had learned when in France

that considerable uneasiness existed in that country as to the results of the policy pursued by the British Government, and that many well-informed persons apprehended danger from what was considered to be the wild course pursued by the British ambassador at Constantinople, actuated, as they believed him to be, by personal motives against Mehemet Ali. He was fearful that the noble Lord, the Secretary for Foreign Affairs, would be weak enough to support and carry out the mad proceedings of that nobleman. He wished the House of Commons to have before them the facts, in order to do away with the fears which were then entertained as to the consequences of such proceedings. It was perfectly well known to every one who had been at Constantinople, or who had taken a part in this question, what the conduct of the representative of England had been. That nobleman had totally misrepresented the spirit and the feeling of this country, and it was to prevent the further progress of the evil that he, on the first of June last, when it was proposed to add two millions to the expenditure, protested against it as a violation of those principles which a Liberal Government had ever professed. He then pointed out that the money was not wanted, and that the increased expenditure arose from the mistaken policy of England. However, not content with what he then did, he again, on the 24th July, specially brought the subject before the House, and challenged the noble Lord with having agreed to a treaty ten days before, and asked for information, that they might know how far the objects proposed to be attained in Syria were worth the risk of breaking our alliance with France. He recollected that the noble Lord declined giving any decided answer, and that one part of his statement was a denial of the existence of any such treaty. He found that a mere technical error justified the noble Lord in such a statement, because what he had called a treaty, was in her Majesty's Speech styled a convention. True it was, that in that day's *Morning Post*, notice was given that such a treaty had been agreed to, but the noble Lord said that he had not seen the *Morning Post*, and this was the way in which the House had been treated. All information was withheld, and yet within a month afterwards they found that such a treaty had been concluded. He should be glad to know wherein would have been

the danger of granting the information he required? Had the papers been laid on the Table, they would have seen what the noble Viscount was about. If the whole correspondence that had taken place between France and England had been then laid before the House, he believed that the noble Viscount would not have succeeded in obtaining a majority of the cabinet in support of his policy. He blamed the noble Viscount for persevering in measures in which he stood alone. It was well known that a majority of the cabinet were opposed to him. Every body knew it, even through the organs of the Ministers; or if the Whig newspapers did not reveal it, at least the Tory journals did. The noble Lord the Secretary of State for the Colonies had not met the able statement of the hon. Member for London in one of its most important points. He had not answered the question put to him as to the why and the wherefore, and the cause of our aggressions on the Syrian provinces. He avoided that altogether. It was a new Whig doctrine that England had a right to interfere between a vassal and his Government; but suppose the House of Commons said to the noble Lord, "You have interfered to put down Mehemet Ali, would you also interfere to put down the pacha of any other province?" But, said the noble Lord, there might be exceptions, and since the present question might fall within the exception, he thought that the noble Lord ought to have directed his attention to it, and shown the grounds on which he was warranted to interfere. Had they one interest connected with hostility towards Mehemet Ali? Was one advantage for England endangered by his rule in Syria? He hoped the noble Secretary for Foreign Affairs would explain the necessity that there was for our breaking our alliance with France, or for our proceedings against Mehemet Ali. If the noble Viscount could satisfy him on this point, he should be ready to withdraw many of the objections which he entertained to the policy of the Government. At present that policy appeared to him not only to be bad, but wicked, for it carried desolation and ruin into the Syrian provinces, and for no purpose that he knew of connected with the interest of England. He asked the noble Viscount the simple question, why has he interfered? Because, thenoble Viscount would say, it was necessary to maintain the integrity of the Ottoman empire: but who was going to disturb it? Mehemet Ali, it

was said. He denied it. The noble Lord (Lord J. Russell) said, that Mehemet Ali intended to assert his independence of the Sultan; but did the noble Lord recollect the character which the noble Lord, the Secretary for Foreign Affairs, gave Mehemet Ali at the time that this was said of him? They had been told by the organ of the Government, that it was necessary to put down the grinding tyranny of Mehemet Ali, and therefore the English Government proceeded against him. Was that any excuse for interference, or was it worse than the tyranny exercised by the Emperor of Russia in Poland? He believed the latter to be ten times more oppressive than the former. He would not, however, apologize for Mehemet Ali's deeds; he was obliged to resort to the conscription in order to maintain his troops against the bad faith of the Sultan and the European governments, who, after having guaranteed to him possession of the provinces which he held, allowed them to be attacked, and his authority over them to be destroyed. By whom was the integrity of the Ottoman empire threatened? By Mehemet Ali? No; and he would prove it. What took place after the battle of Nezib? Lord Ponsonby, instead of proceeding to Constantinople, spent six months at Naples, while Mr. Mandeville was left to act on behalf of the British Government. Ibrahim Pacha had been in full march for Constantinople, and might have reached that capital, but the French and English Governments interposed to stop his progress. The noble Viscount took credit for having stopped his progress by the offer of the Pachalic of Egypt, Syria, and Adana. A treaty to this effect was framed and executed, and from that hour to the present Mehemet Ali had never infringed it. After that event, all intercourse respecting those countries and their commerce, instead of being carried on with the Sultan, should have been carried on with Mehemet Ali, who never showed the smallest intention to take any steps hostile to the Sultan. The real fact was this, that although the Sultan was on terms with Mehemet Ali, yet in 1839, contrary to the acknowledged pledge of the British Government by a treaty to which it had given its assent, an armed force entered Syria, arms were distributed to the mountaineers, but Ibrahim Pacha attacked his enemy and annihilated him. It ought to be borne in mind, that at this time the Turkish fleet was completely deserted, and when the accounts of the battle

of Nezib and of the death of the Sultan Mahmoud reached it, the senior officers held a consultation as to the course they should pursue. They knew that Great Britain had been made the dupe, and had lent herself to the baneful influence which had crippled if not destroyed the Turkish empire. If, flushed with success, Mehemet Ali had then intended to attack Turkey, why did he refrain and withdraw within his own boundary? He might have been rendered a powerful ally of the Sultan, and showed no symptom of hostility. He defied Ministers to produce a single document to prove, that there was any disposition on the part of Mehemet Ali to move against Constantinople. It was said, to be sure, that if Great Britain had not interfered, Russia would have interposed; but the principle on which Great Britain had interfered was most mischievous, and had been productive of the most lamentable consequences. The noble Lord, therefore, had failed to make out his case, and had given no answer to the hon. Member for London. It was contended, that Russia had been a most active partisan, in conjunction with the other allies; but was it possible to believe, that the experience of the last fifty years had not convinced the Cabinet of England, that the invariable policy of Russia had been to cripple and enfeeble the Ottoman empire? Could any man seriously believe, that the Emperor Nicholas had any sincere disposition to preserve the integrity of the Ottoman empire? On the other hand, the French government was anxious to maintain the integrity of Turkey, by not carrying fire and sword into Syria. It said "Let England and France combine, and let the treaty of Unkiar Skelessi be maintained;" and if England had been desirous of securing peace, and to avoid the evils which had followed upon war, all she had to do was to remain quiet, and to allow Mehemet Ali and the Porte to make their own terms, and settle their own differences. On the 25th and 26th July, a treaty was agreed upon: the terms had been actually settled by the Divan, and they would have been accepted with pleasure by Mehemet Ali. He had alleged that on a former occasion, and he had since seen the document itself. He wished the noble Lord to attend to this question: whether the letter purporting to have been delivered on the 27th July, 1839, had not been drawn up and agreed to at Vienna, and intended to have been delivered before the battle of Nezib?

It was delayed until the evil had taken place, and all that was asked in the letter was, that the Sultan would not conclude any treaty without the concurrence of the allies. If it had been presented before the battle of Nezib, that evil might have been prevented. The noble Lord might contradict this statement if he could—that the dying words of the Sultan Mahmoud were to enjoin that peace should be made with Mehemet Ali. Could the noble Lord deny that? In fact, all the mischiefs he lamented had been produced by the abandonment of the principle of non-interference, and after what had passed this country could never recover the reputation she had lost. He had now proved, that Mehemet Ali had not shown any symptoms of a desire to subjugate Turkey, and he would take the liberty of referring the noble Lord (Lord Palmerston) to the character he had himself given of Mehemet Ali. He did not refer to the *Morning Chronicle*, but to one of the noble Lord's despatches, though it was very well known that the columns of the *Morning Chronicle* had been open to the noble Lord, at least the public said that that paper had been open to receive all the trash the noble Lord chose to send, and certainly plenty of it came. It was a curious circumstance that the grinding tyranny and cruelty of Mehemet Ali, about which much had been said, was intended by Ministers to be inflicted upon one-half of Syria. The course of policy on the part of this Government had been most vacillating and inconsistent, and this was one proof of it. Had it been otherwise, the condition of affairs would have been widely different from their present state. He called upon the noble Lord to shew him, if he could, that he had not been one of the most inconsistent men that had ever presided over the foreign department of the country. As to the oppression of Mehemet Ali, he (Mr. Hume) believed it had been grinding, especially as regarded conscription; but had there been no oppression on the part of the Ottoman empire? The noble Lord's inconsistency was, that while he complained so loudly of that grinding tyranny, he was willing at one time to leave all Egypt and half Syria subject to it. A Minister who had promoted all the horrors of civil war on the shores of Syria, was little entitled to complain of Mehemet Ali, or of his tyranny. Mr. Wood, the agent of Lord Ponsonby, had carried money and arms to Syria and had done his utmost to promote disorder

and revolution. Another reason which the noble Lord had given for British interference was, that Mehemet Ali had wanted to throw off his allegiance to the Ottoman empire. Now he would refer to a correspondence which had taken place on that subject. But first he should observe, that much as had been said against Mehemet Ali, the noble Lord himself had described his character as being that of a person who was anxious in his administration of the power vested in him, to secure, with the most impartial justice, the possessions of all his subjects. When the announcement of the Pacha's intention to throw off the Turkish allegiance had been made, in July 1838, the British and French consuls had strongly recommended him to be satisfied with things as they then stood, and they had persuaded him to lay that intention aside. It was hard, then, to bring against the Pacha now what had occurred in 1838. As an instance of the excellent manner in which Mehemet Ali governed the countries under him, he could only point to the safety which all travellers enjoyed when his authority was paramount. Why, then one could travel all through Syria with less liability to the loss of a trunk than one could by going from London to Brentford. Nothing could exceed the perfect safety with which the goods and property of travellers might be carried through that country some years ago, when he (Mr. Hume) was there. A circumstance lately happened which he would mention to the House. The camel of a traveller going to Suez having fallen down was obliged to be abandoned, but the goods with which it was laden had remained for three days on the way unprotected, yet they had remained perfectly safe, and had been recovered. So much could not be said of the country now. Such was the present state of that unfortunate province that Mehemet Ali had been written to from Jerusalem to resume the authority of the place. Little did the hon. Gentlemen who moved and seconded the Address know of the disastrous results of the policy which our Cabinet had pursued. As to Mehemet Ali, he had only been anxious to secure himself from aggression. After all, too, had the noble Lord attained what he intended? Had he secured the integrity of the Turkish empire? He would venture to say that, 50,000 stand of arms having been placed in the hand of the Druses, and other tribes of Syria, no man alive could say, when and for how long the orders of the Sultan

would be obeyed by them. The hon. Member for London had shown the enormous increase in the population and commerce of Beyrout. What a change had been wrought there! No pacha from Constantinople could ever restore its trade and prosperity. What was to be done for the future? Was it meant that a British army should be kept there, supported by a fleet of twenty-two sail of the line? The noble Lord (Lord J. Russell) had not told the House what was to be the result: the Speech from the Throne stated that the objects were on the eve of being accomplished; but would the noble Lord say whether it were intended to withdraw the British fleet? The Speech held out little hope of anything but additional taxation, and all for what? to maintain this expensive and wicked scheme of the British Government. As to the supposed attainment of objects, had we added to the strength of the Ottoman empire? Let the noble Lord take the evidence of naval officers on the coast, and of those who were at Acre, as to the condition of the country, and by that let him judge whether a more wicked or fatal course of policy could have been adopted. The real secret was that Russia wished to cripple and weaken Turkey, and no means more effectual could be found than promoting civil war. But the noble Lord, the Secretary for the Colonies, who did not seem very well acquainted with the facts of the case, contended that no other course was open to this country in order to secure the integrity of the Turkish Empire; but might not this Government have interfered, as had often been requested by Mehemet Ali, in order to compel the Sultan to act up to his agreement and to do justice? By this means, Mehemet Ali would have been left ready at any time to march 50,000 or 60,000 men to the defence of Turkey, should she be assailed by Russia. Would not this have been a proper course before the British Cabinet chose to risk the peace of Europe by estranging France? Yet, with its eyes open, the British Cabinet disregarded the peace of Europe, and placed the whole continent in a state of jeopardy causing the most expensive preparations for war. Not less than fifty millions of money had been expended by different countries of the continent upon preparations. Of this burden Great Britain would have to sustain her share, and that with a revenue three millions deficient within three years, of which not less than a million and a half had been

deficient in the last year. This country was not in a condition to bear additional taxation; the productive powers, being incapable of supporting the pressure, could not add to the decreasing revenue. Was he not justified then in saying that Ministers had incurred a heavy responsibility? It appeared that estimates were to be laid on the Table for providing for the public exigencies such as the occasion might require, but no information had been given what those exigencies were. As long as the union between England and France was sincere and cordial, it was a security for the maintenance of peace in Europe. That union was at an end, and the responsibility of those who had terminated it was heavy indeed. Instead of mutual confidence, the two powers were almost in a state of actual hostility. Such a course of policy was both dangerous and wicked, and condemning it as strongly as he did, he felt called upon to record his opinion, even though it might only be that of an individual Member. In his view, the House ought to have been called together long ago, in order that its sense might be taken upon the great questions to which he had adverted. Now it had met, it ought to lose no time in recording its judgment in favour of maintaining the firmest alliance between England and France. He distrusted Russia, when she who had been so long its enemy, came forward under the pretence of protecting the integrity of Turkey. Whether the House did or did not support him in it, he felt it an imperious duty to place his opinion upon the journals. Was it not known that we were excluded from Persia by the wiles and intrigues of Russia? By whom was the war in Afghanistan fomented against us. Were not these things enough to make us alarmed, and to prevent us from entering foolishly into the late arrangements. Then there were many omissions in the speech: there was no mention of the state of the negotiations with respect to the Maine boundary:—how should there be? for the noble Lord's time had been wholly taken up with the arrangements regarding Syria. Allusion had been made to the speech of Mr. Van Buren to show how the matter stood; but Mr. Van Buren declared that the happiness which his country enjoyed was mainly attributable to its not having entered into a treaty that would interfere with other states. He wished, therefore, that the

hon. Member who had quoted one passage from that speech, had gone a little farther, and had quoted the important passage to which he had now referred. The president said further, that the plan of an arrangement had been sent to this country, and that it was waiting for the approval of the noble Lord. And he would tell the noble Lord that he would not be able to obtain the same terms from the next government as he could from the present. He was sorry also to observe, that no notice was taken in the Speech of the state of our finances. There was a demand for money, but no notice of the state of the revenue. He had heard it stated in speeches from the Throne in other times, that there was an improvement or a deficiency, but now not a word. Then there was no notice of education, there was no intimation of any intention to follow out that education of the people which was so much required, and for which the noble Lord had received so much credit last year. Then he saw no notice taken of the present state of our commercial relations. The noble Lord said, "You must not believe that I intend to act on finality principles," yet the result was, when any reference was made to a really important improvement, that the noble Lord turned round and said, "Oh stop a little, you are going a great deal too fast and too far," and consequently there was no notice of any commercial improvement. In short, there was the greatest indifference to the state of the country. There was no reference to the condition of the working classes, which, though admitted to be a case of destitution, was said not to be a state of despair. He thought, that the Speech, so far as it went, was objectionable, because it took credit for an act which was a disgrace to any government, the adoption of the treaty ending in a convention, the only result of which was a sacrifice of 15,000 or 16,000 Syrians, leaving this country in great embarrassment; but he protested more against it for not stating what it ought to have done, the real condition of the country. It had slurred over matters that were of real importance to the country, and had put prominently forward the foreign policy, which seemed to have occupied the whole attention of the Government. He did not speak of this as a party matter—it was a material object to bring it forward at the earliest moment. The Speech presented to us a state of meddling with the affairs of

every nation except our own ; but our own condition was not so much as mentioned. He would therefore read to the House an amendment, embodying his own opinions, which he was desirous of placing upon record. Whether he would divide the House or not, would depend upon the sentiments of those who should come after him. The hon. Member concluded by moving the following amendment, to leave out from the words " Royal Consort," to the end of the question, in order to add the words,

" To thank her Majesty for having called us together in Parliament at a period when the finances of the country, the condition of the working classes, and the state of our foreign relations in every quarter of the world, alike require grave and mature consideration :

" That regarding war as the greatest calamity which can afflict a civilized community, and specially destructive of commerce and manufactures, which so largely contribute to the wealth and greatness of this country, we cannot but view with intense apprehension and regret any interruption of the peace which we have now for so many years happily enjoyed :

" That we view with especial uneasiness the state of our relations with France, as we consider the cordial alliance of Great Britain with that power essential to the permanent peace of Europe, and to the spread of freedom and civilization throughout the world :

" That we regard with distrust the Convention formed by her Majesty's Ministers with the military governments of Russia, Prussia, and Austria, under the pretext of preserving the integrity of the Ottoman Empire, which has been more injured by the encroachments of Russia than by any other power :

" Humbly to state to her Majesty, that whilst admitting the undoubted prerogative of her Majesty to declare war and conclude peace, we consider it no less our undoubted right and duty to inquire into and examine the exercise of that prerogative :

" That, therefore, we humbly beseech her Majesty to direct her Ministers to lay before this House the grounds on which they have advised the employment of her Majesty's forces in Syria, as full information concerning them is necessary to enable us to judge of the wisdom and policy of the measures pursued by her Majesty's Ministers, and which her Majesty informs us has been attended with signal success, and that the objects which the contracting parties had in view are on the eve of being completely accomplished :

" To express to her Majesty our surprise that her Majesty's advisers have recommended increased establishments, attended necessarily with increased taxation to her Majesty's already heavily burthened people, and regret that her Majesty has not directed our attention more particularly to the increase of expenditure beyond the revenue, and to the distress and

discontent which prevail to an alarming degree among the labouring classes throughout the kingdom, to the causes thereof, and to the best means of relieving her Majesty's faithful and suffering people."

Sir *R. Peel* said, that there was one subject of such surpassing interest connected with the peace of Europe and with the general interests of humanity which so completely cast into the shade all other topics, however important those topics might be in themselves, that it was hardly necessary upon that occasion to notice the omissions that were made in the Speech, or to criticise the language in which the various topics were mentioned. If he were inclined to criticise the Speech, he could not say that he ever recollected a speech which was more successful than this in that merit which was generally conceded to documents of this description, the merit of saying as little as possible. On that point, he could not deem it a complete failure. The Speech must be considered as the speech of her Majesty's Ministers, and it possessed the advantage which had been ascribed by a great diplomatist to all language, that it was given to man for the purpose of concealing his thoughts. It was a careful Speech, for the hon. Gentlemen, the Mover and Seconder of the Address, found it so utterly impossible to eke out their own speeches with becoming decency to the ordinary length, if they had confined themselves to the topics mentioned in the speech itself, that they felt it absolutely incumbent on them, even at the risk of offending her Majesty's Government, to introduce many matters which they thought ought to have been introduced into the Speech itself. The state of Canada and the intentions of the Crown with respect to the union of the provinces was one instance. It was omitted in the Speech; it was touched upon by the hon. Mover. The boundary question, again, was touched upon by the hon. Seconder. The state of Ireland and the progress of the repeal agitation touched upon by the Mover. The state of the war in India, and the progress of our arms in Afghanistan, again touched upon by the Mover and the Seconder. They gave a tacit acknowledgment, from which it was clear what were the topics that they would have introduced if they had prepared the Speech for the Throne. Nay, it was clear that they were in possession of information which did not appear to have reached her Majesty's Government ; for, talking of China, one of the

hon. Gentlemen exulted in a tone which those who had prepared the present Speech could hardly have entertained. It seemed, then, that the document which had been supposed to be an edict of the Emperor of China was not authentic, because the hon. Gentleman had talked of the "humble tone assumed by the Emperor," and the hon. Gentleman was fully aware of an arrangement that was to give indemnity for the losses suffered by her Majesty's subjects. He hoped that the hon. Gentleman's information would prove to be correct, but all the Speech asked the House to do was to concur in a mere statement of a matter of fact. The Speech said only—

"Having deemed it necessary to send to the coast of China a naval and military force, to demand reparation and redress for injuries inflicted upon some of my subjects, by the officers of the Emperor of China, and for indignities offered to an agent of my Crown, I, at the same time, appointed plenipotentiaries to treat upon these matters with the Chinese government. These plenipotentiaries were, by the last accounts, in negotiation with the government of China; and it will be a source of much gratification to me, if that government shall be induced by its own sense of justice to bring these matters to a speedy settlement by an amicable arrangement."

This was certainly a very moderate, and no doubt a very justifiable hope, but it was at variance with the assurance, on the faith of which the hon. Gentleman had made his comments. He thought, however, that those who had framed the Address in such cautious terms, had done quite right, for he held that unless notice were given, the Address should always be so framed as not to demand any opposition, considering especially the disadvantages under which hon. Gentlemen making any opposition necessarily laboured. There was, however, one topic, of paramount importance—the present state of Europe, and the foreign relations of this country. On the very threshold of the discussion, he could not but express his deep regret and despondency, when he contemplated the present state of our relations with France, and when he heard on every side the din of military preparation. He did hope that, after the lapse of twenty-five years of profound peace—with a new generation arrived at maturity, who had not taken an active part in the exploits of the last war—he had hoped that all fear had been dissipated, that there had been new guarantees for a prolonged peace, and that mankind generally had been convinced, not

only of the inestimable advantage, but of the great moral obligation to maintain peace, unless for the security of the nation, or for the vindication of the national honour; and he did hope that new material interests had arisen which would effectually keep down any fresh demonstration of a warlike feeling. With respect to France, whether in power or in opposition, he had never held but one language, or one opinion, that a cordial and good understanding between France and England was essential to the peace and the welfare of Europe. He did not mean to say he was convinced that an intimate alliance of an exclusive nature between this country and France, giving offence to what the hon. Gentleman called the great despotic and military powers of Europe—he was not prepared to say that he saw so fully the advantage of such an alliance as others; but no one felt more strongly than he did, that the best interests of humanity were involved in the maintenance of cordial good will and amicable relations between us and France. The French nation, or at least a part of it, entertained a false conception of the opinion of the people of England. It was not true that we felt—the man would be base and ungenerous indeed, who could feel—any triumph in the supposed humiliation of France. He did not believe that there was any wish on the part of this great community, though it had been called her natural enemy, and which had certainly been long and warmly engaged in conflict with her: he did not believe that there was the slightest wish that the power or authority of France should be curtailed, or that there would be the least rejoicing at any reverses befalling France, or subjecting that country to humiliation. At the same time, with that feeling strongly rooted in his mind, he was not prepared at once to say, that the policy which had been pursued of attempting the settlement of the Eastern question was not necessary. He could conceive a case of complication arising from the Syrian question, if no vigorous attempt had been made at an adjustment which would have involved this country in the very war which he was so much inclined to deprecate. It was no doubt true, that the Turkish empire had been long exhibiting symptoms of decadence and weakness. Still it existed in a state of decadence, and weakness was widely different from the approach of the actual dissolution of that empire; for in that event new interests would arise in

Europe, and every effort should, in his opinion, be made to prevent that conflict of interests, and that actual collision which would arise on the dissolution of the Turkish empire. It was quite clear that the position which the Pacha of Egypt had maintained had become inconsistent with the independence of the Porte, and the interests of this country with Turkey. Well, then, it was said by some hon. Gentlemen, "England shall have nothing to do with this; the events apprehended are merely a contingent possibility; they will take place at a remote part of the Mediterranean; and the true policy of England is, therefore, to refuse to take any part in the adjustment of these matters, for fear of the risk which we run." Now, let him take the opinion of the hon. Member for Kilkenney with respect to Russia as correct—and mind, he did not assent to it—it was impossible to disguise from ourselves the relative position of the Russian empire and of Constantinople. The peculiar nature of the Russian position, and the force of circumstances, must naturally subject her to jealousy and suspicion; but the course which Russia had pursued ought to have exempted her from some of the aspersions that had been cast upon her. But suppose those suspicions should be well founded, what was the security if we refused to interfere, and Russia were actuated by such ambitious designs as the hon. Gentleman attributed to her, would she not take upon herself the part or exclusive protection which we refused to take upon ourselves? The hon. Gentleman thought that the troubles which had taken place on the north-western frontiers of our Indian possessions were attributable to Russia. Suppose Russia should gain possession of Constantinople in consequence of the growing weakness of the Turkish empire, would the hon. Gentleman view that event with complacency? The hon. Gentleman (the Member for the City of London) clearly would not, because he stated that in such an event he would resort to the physical and material power of England to dispossess her of Constantinople. If that were a sound policy, and if it would be an object for England to dispossess Russia of Constantinople when once she had gained possession, those who were of opinion that we ought to be prepared so to act in such an extremity, could not object on general grounds to that line of policy which would prevent Russia from getting there—which would prevent, by the exercise of our

moral influence, the occurrence of that great calamity which would compel us to go to war with Russia on ground where Russia, by her contiguity, must have a great advantage over us. It might be no easy matter, considering the position of Russia with Constantinople, and our own distance from the scene of action—it might be no easy matter to make the evacuation of Constantinople by Russia one condition of peace with us. The co-operation of France in effecting a settlement of the Eastern question would unquestionably have been of inestimable value. Of that there was no doubt, and when we were obliged to relinquish the hope that France would cordially unite with us in effecting that settlement; first, by the means of advice, and, secondly, by the aid of a demonstration, the question assumed a new shape, it was to be viewed under a new aspect, the chance of success was much less, the risk of evil was much more; but he thought that it would be difficult to say that if four great powers of Europe, acting as he assumed for the sake of argument, they did with perfect integrity, really believing that the advance of a rebellious vassal upon Constantinople would be the signal for the dissolution of the Turkish empire, that great evil would arise from the necessary partition of the Turkish dominions, and if they were convinced that the general interests and welfare of Europe required an active intervention, he was not prepared to say, that when one of those powers refused to take part in that mediation, the other four powers should of necessity desist, because he was afraid that the consequence of such an example would not be limited to the single case, but that if the one power could exercise such an authority in the affairs of Europe, it would be tempted to extend its influence beyond that range. He would, therefore, suspend his opinion with respect to the convention till he should have received that further information from her Majesty's Government, which he presumed they were prepared to give. They might be prepared to show that the consequence of a refusal, on the part of England, would have been the immediate interference with Russia. They might remind us that the event which occurred in 1833 would have occurred in 1840. The Porte applied to us in 1833 for protection against this very vassal, Mehemet Ali; we refused; what was the consequence? The Porte applied for assistance to Russia; Russia did step in and

interfere, and she received, as her reward for that assistance, the treaty against which we were the first to protest, and which we were obliged to tell her we could not recognize as part of the law of Europe; we were almost driven to war the very act which might be assumed to be again possible. It was possible that Russia might see her neighbour about to be spoiled without justice by one of her subjects usurping the power and authority delegated to him for the purpose of overthrowing his Lord. He did believe that in such an event Russia or Austria would feel the necessity for an interference; he believed also that there would be a recurrence to the course taken in 1833; and depend upon it Russia would not twice thus protect Turkey, and twice save her from annihilation, within a space of seven years, without these powers being placed in the relative position of master and slave. He therefore suspended his judgment upon the propriety of the treaty until he should have received the fullest information; but he should not be acting with justice, if in the absence of that information, he were to agree to any amendment which would be a censure upon the parties to that treaty. He was prepared then to admit, first, that intervention might have been necessary—advisable, perhaps, if we could obtain the co-operation of France—that it might have been necessary even if the co-operation of France were wholly refused; but he must say that, in proportion as the assistance of France was withdrawn, in proportion as we lost the chance of that cordial co-operation and assistance, which was so essential to us, because the absence greatly diminished the chances of our success—so ought we to have shown, and he trusted that we had shown, throughout the whole of the proceedings the utmost consideration for the not unnatural feeling with which France would view a revival of the alliance of 1814. It was impossible to admit that there was any analogy in principle between the two treaties; but unfortunately with a sensitive and susceptible people sometimes the coincidence of facts and circumstances stood in the place of a principle. Yet nothing was more dissimilar than the principle of the quadruple treaty and that of the treaty which led to the occupation of Paris in 1814. He could make allowance, however, for the feeling of that country, which was among the most distinguished—he could not say more distinguished than our own—for having always set, and justly set, the highest value on its

military character. He should be, indeed, sorry, if the French viewed the transactions of 1814 as any humiliation; they must naturally view with regret the reverses to which they were subject, but he was sure that no impartial man, reading the history of that campaign, unfortunate as the termination might be for France, could feel any other than the highest admiration for the skill of her general and the bravery of her soldiers. But the event was too recent, and the reverses, were too great, not to render France exceedingly jealous of any new alliance. He agreed that the evil of excitement by hon. Members, aggravating that jealousy, was very great. He attached great importance to this point, and he hoped that the noble Lord would not say that he had agreed in the propriety of the higher portion of the subject, and that he had censured only the minor part—that he admitted the great part to be good, and had carpied at the small. If it had become necessary to act without France, he would have exhausted every means to convince France of the propriety of our course, he should have come to the resolution to act without her with the greatest regret and reluctance, and he would have left—as he hoped the noble Lord had left—distinctly recorded the grounds for what, he trusted, was only the temporary secession of France: he would have exhausted everything to show deference to the wounded feelings of France. Now, he told the noble Lord that there was one point which, on reading the French debates, had given him the utmost concern. He would quote exactly what passed in the Chamber of Deputies, and the report carried with it internal evidence that both parties concerned in the discussion were acting with perfect honesty, and were only describing their own feelings. M. Guizot was making a speech on the Address, and stating the general warning which he had given to the French government, that the proceedings might possibly lead to a negotiation between the other powers, when he was interrupted by M. Thiers, who said:—

“I will prove with the documents in my hands, since it appears that I am placed in a position of being compelled to justify myself in presence of an Ambassador who received his orders from me. I will prove, I say, to M. Guizot, that he told me on the 14th of July that we had still plenty of time before us, and that there was nothing to render urgency necessary.”

To which M. Guizot replied:—

"That is true. I foresaw what was probable, but I was sure of nothing."

Whereupon M. Guizot proceeded to read further extracts from his despatch, when M. Thiers said:—

"This is all very true, but you quote only a portion of the letter. You will permit me to quote the other portion.

"M. Guizot—Certainly.

"M. Thiers—I will prove that you wrote to me on the 6th, 9th, and 14th of July, as follows:—'The English Cabinet is in deliberation—there is great agitation—there is a crisis; but nothing is yet decided. Two plans have been prepared—one for five Powers, for which propositions have been made to France, and the other for four Powers, in the event of France refusing the propositions that will be made to her.' This is what you wrote to me. All your letters contain the supposition that before signing any treaty a proposition would be made to France.

"M. Guizot—That is true; I believed that such would be the case. All the world knows, that during the last days of the negotiation, France was kept in ignorance of what was going on. I was not exactly informed of the proceedings. What I told you, was what I believed. The treaty was concealed from us. This was wrong. It was not delicate conduct, and it was a proceeding against which I loudly protested. I was myself ignorant of the treaty, and therefore could not inform you of it. The fact of the treaty having been signed was not communicated to me until the 17th of July, two days after it took place."

He had read that passage with great concern. The noble Lord might say, that from the month of October, to the month of July, intimation was given to France, that negotiations were pending, and that France ought to have conceived that the treaty would have been signed. He did not deny that this was not different from the general tone of the language held by M. Guizot. But, considering the character of the man, and especially considering the friendly feeling of M. Guizot towards England, he could not but say, that after the signing of the treaty of the 15th of July, between the powers who were severally parties to the treaties of 1814 and 1815, having such a man as M. Guizot resident amongst us, and leaving him ignorant of the fact, he was not surprised that there should be some ground for indignation. He did not assert that the parties to the treaty might not have signed it without the concurrence or knowledge of France; but he thought that they would not have been going out of the way to have dealt with the prejudice, and he thought that

there would have been an advantage, if in the most temperate and considerate way we had apprised M. Guizot that the object must be attained, and saying to him, "If you do not immediately determine to join with us, we must proceed without you; and in strict candour we must tell you that the affair must be settled." He had carefully read all the letters, and though M. Guizot evidently saw in a dark vista the possibility of a treaty, yet, on the 6th, 9th, and 14th of July, he believed it was distant, and he was in the humiliating situation of not being aware that on the very next day to the 14th, the treaty would be signed. He did regret that proceeding. The noble Lord said that it was better to communicate the treaty itself. If the noble Lord had said to France, "We are going to war with Syria, and are indifferent whether you join us or not," he believed that it might have been offensive; but if he had gone and said, in a perfectly conciliatory spirit, "This is about to be done; will you co-operate with us, or will you decline to aid or countenance us in our proceedings?" he could not help thinking that much of that interruption of the friendly intercourse which had formerly prevailed, which had taken place, might have been prevented, and he certainly could not help thinking that such a course would have given much less offence than that which had been adopted of signing the treaty, and then communicating the fact. In private life it must be felt that such would have been the fitter mode of proceeding, and it would have been certainly the more friendly course to communicate the positive intention to do an act, than to adopt the act and then to make it known. Let them recollect what had happened at Verona. In the year 1822 France was about to march an army into Spain, and the circumstances which then existed were not dissimilar to those of the present case. At Verona, France communicated to the allies her intention to invade Spain. The three other powers, Russia, Prussia, and Austria countenanced the proceedings, but the Duke of Wellington and Mr. Canning decidedly objected to it. But there was, up to the last moment, the most unrestrained communication between the four powers who were parties to the intended invasion of England, and he could not help thinking, that if the army had been marched without a previous communication being made to England, feelings would have been expressed of regret and

disappointment at that course being taken. The noble Lord would find, that communications had passed between M. Chateaubriand and Mr. Canning, and that, in consequence of the remonstrance of England, M. Villèle sent to keep back the army which France was about to send, facts which proved at least that England was admitted to the conference. All that he contended for was, that this was the more friendly course, and although they might fail in convincing the party of the necessity of the course which they were about to pursue, much of that jealousy might have been prevented which was the result of deciding on and adopting an act one day, and communicating that fact the next, and then saying it was too late to interfere. There was another point upon which he felt bound to say a few words. He must enter his protest against Parliament having been allowed to separate last year without a knowledge of the events then in progress having been communicated to it. We were on the point of a rupture affecting the interests of Europe, and the maintenance of our communication with a powerful empire, when the Parliament was permitted to separate. Parliament was sitting on the 15th of July, when the noble Lord said, that he still hoped for the cordial co-operation of France; that France had expressed a favourable opinion with respect to the independence of the Ottoman empire, and the general tenor of the speech of the noble Lord was, that France was favourable to his views. The noble Lord had then the letter of M. Guizot in his possession, containing a strong remonstrance upon the subject of the treaty, and considering the manner of that letter, and that the British Parliament was then sitting, he did say, that whatever the technicalities might be attending the ratification of a treaty, it was not fit that Parliament should have been dismissed at a moment when such important matters, requiring such mature deliberation, were pending. He must say, if such conduct were to be acted on as a precedent, it would undermine the authority of Parliament. But the peculiar conduct of the noble Lord with regard to the treaty should be remembered. So anxious was he for its immediate execution, that the parties to it consented that it should be put in operation without waiting for its ratification. Their orders were given to their naval and military commanders to convey fire and sword into the heart of Syria. They knew the ratification of the treaty was not necessary

in order to carry its provisions into effect; they knew that its practical execution must endanger our connexion with France; and yet, notwithstanding the insufficiency of its completion, they proceeded on it. As there were many points in connexion with this subject, upon which, before he could form a correct judgment, he must see the official information of the progress of the treaty; and as, before he could judge of the foundation of the opinions which had been expressed with regard to the possible designs of Russia and other powers, we must also be put in possession of similar correct details; he should say nothing now on the subject of the progress of the negotiation, of the objects which were sought to be attained, or of the mode in which that negotiation was carried on. Considering the position of M. Guizot, he was perfectly convinced, that nothing could be further from the intention of the noble Lord than to act unfairly towards him; but he could not help thinking, that the letter of November 2nd, from M. Guizot to M. Thiers, in which he said, that he thought, that there was something to find fault with in what was being done, was not a communication which could be considered useful. He could not help saying, that he shared in the feelings of regret which were expressed that the name of France was omitted in the Speech from the Throne. It was difficult to over-estimate the force and effect of that omission upon the minds of the French people. Could there have been any difficulty in taking the words of the noble Lord himself, and expressing regret at the occurrence, maintaining at the same time their own ground, making no concession in point of argument, but expressing merely their regret at the termination of the alliance? In a former Speech from the Throne they had mentioned the alliance as a security and guarantee for peace. Admitting, if they would, that France was to blame, would there have been anything conceded in the expression of regret, that from some cause that alliance was at an end? The expression of regret could not be attributed to any but that which was the real cause. It could not be ascribed to weakness, because they took credit for signal success, and could there have been a more becoming addition to such a portion of the Address, than that regret was experienced at the interruption of those friendly relations which had so long subsisted? If such a thing had been done, it would have been an argument immediately directed against

those who took every opportunity of inflaming the minds of the French public against this country; her Majesty said,

"I have the satisfaction to receive from foreign powers assurances of their friendly disposition, and of their earnest desire to maintain peace. The position of affairs in the Levant had long been a cause of uneasiness, and a source of danger to the general tranquillity. With a view to avert the evils which a continuance of that state of things was calculated to occasion, I concluded with the Emperor of Austria, the King of Prussia, the Emperor of Russia, and the Sultan, a convention intended to effect a pacification of the Levant; to maintain the integrity and independence of the Ottoman empire, and thereby to afford additional security to the peace of Europe."

If France had conveyed to this country an intimation of her friendly disposition, and that it earnestly desired to maintain peace, what would there have been derogatory to the dignity of this country in expressing a similar feeling? Again, if the speech were true, and he must take it to be true, her Majesty said—

"I rejoice to be able to inform you that the measures which have been adopted in execution of these engagements have been attended with signal success; and I trust that the objects which the contracting parties had in view are on the eve of being completely accomplished. In the course of these transactions my naval forces have co-operated with those of the Emperor of Austria, and with the land and sea forces of the Sultan, and have displayed upon all occasions their accustomed gallantry and skill."

What were the objects which the contracting parties had in view? Not the destruction of the army of Ibrahim Pacha; no, the great object was the maintenance of the independence and integrity of the Ottoman empire; and by that means the additional security of the peace of Europe. If they were on the eve of attaining that great object—if they were going to take a new guarantee for the peace of Europe, what objection could they have to the insertion of that expression of regret, which he believed would have been suitable to the case? He fully and sincerely hoped that the clouds which now overhung the subject would gradually disperse, and that Europe would not be visited by those troubles which were threatened. He conceived that there could be nothing more mischievous than the renewal of war. What the consequences might be no man could foresee. What the amount of capital,

of time, wasted on preparations we all are witnesses. If that capital and that skill which are expended on these preparations were sunk in the sea, though that would be useless, it would not be injurious: as they are at present exercised they are worse than useless, they are deeply injurious. The subject could not be thought upon without calling to their recollection those events which paralysed Europe from the years 1793 to 1815, and without reinspiring all those bad passions which should be extinguished. Additional taxation, both upon France and England, must take place—the effect would be a withdrawal of so much capital as was expended from both those countries—a loss which would be attended with the most disastrous consequences. He hoped that when that which had passed had been duly considered in France, it would not be supposed that we were influenced by any feelings of jealousy or animosity towards that country. It was suggested that the Syrian question was settled. They might have determined that the powers of the Pacha should be confined to Egypt, but did that constitute the settlement of the question? He conceived that it could not; and it must be remembered that France, standing in its present isolated position, must be called upon to co-operate with England in the settlement of a thousand questions which might arise and produce difficulties. The relation to be maintained between the Pacha and the Porte must be considered. They might give him the hereditary pachalic of Egypt, but conditions might be imposed so stringent and onerous, as to render him entirely dependant upon the Ottoman empire. The peculiar relations of Turkey with respect to the Mediterranean must be considered. Could it be denied that France was the most important power, whose dominions joined that sea? How important then must it be for the very objects of the country, that in any amicable arrangement which might be made, France should join; not with a view to extract from England any concessions that she was wrong; but in order simply that she might be made a party to any arrangement which might be made of this most important question. He repeated that no settlement could be efficacious unless they could still prevail upon France to become a party to it. No man could be more convinced than he, that the object which had been had in view was the security of peace, and in her Majesty's Speech it was declared that their endeavours

had been attended with signal success. What was there, then, to prevent their taking fresh steps, and inviting the interference of France? It appeared to him that there was an opportunity in which, without making any unreasonable concession, it might be called upon to interfere. They had been successful, and they had shown that twenty-five years of peace had not abated the gallant spirit of the navy and the army of England, and now was the time when they could afford to say to France —“We are conjoined with the great powers of Europe for the sake of procuring peace. We can make no concession, but we are actuated by an earnest desire to admit you among our number, that your interests may be consulted, because we entertain no wish to endanger or to curtail your power. We entreat you now to enter into our plans, and to concur with us in considering what would be most advantageous for the interests of France, for the interests of the Porte, and of the peace of Europe.” He found now an opinion upon the subject of the importance of the maintenance of peace had been expressed by the gallant General, now a minister of that country. On the 17th July, 1839, Marshal Soult thus wrote to the Baron de Bourqueney:—

“In the important crisis into which the death of Sultan Mahmoud has precipitated the Ottoman empire, arising out of the events which marked the last month of his reign, the union of the great European powers can alone offer a sufficient guarantee for the maintenance of peace. The communications exchanged during the last few weeks have fortunately proved that this agreement is as perfect as possible. All the cabinets desire the integrity and independence of the Ottoman empire under the present reigning dynasty. They were all disposed to employ their means of action and influence to secure the maintenance of this element, so essential to the balance of power, and they would unhesitatingly declare themselves against any combination which would affect that balance. Such an agreement in opinion and resolution will be enough (no one can doubt) to prevent any attempt being made against those high interests, as well as to remove every feeling of anxiety, the very existence of which already produces real danger, in consequence of the irritation it causes in the public mind. The King's government believes that the cabinets would be adopting a measure essential for the consolidation of peace were they to declare, in written documents, to be mutually interchanged, and, in case of need, published more or less fully, that they were actuated by such intentions. On our part, we formally declare, that these are our invariable intentions, and I authorise you

to transmit to Lord Palmerston a copy of the present dispatch, after communicating it to him orally.”

He was confident that there was not one of the four powers which would not express itself to the same effect upon the importance of the maintenance of peace, and it must be admitted, that in the exertions which had been made on behalf of the Ottoman empire, no peculiar advantage, commercial or otherwise had actuated those by whom these steps had been taken, but that they had proceeded upon the belief, that the support of the Ottoman empire was one of the great elements of the peace of Europe. These were some of the grounds upon which he said it was possible to return to peace. He might be doing little good to those of whom he was speaking in saying that which he did say; but he was convinced that they were doing all that they could do in the present crisis for the maintenance of peace. If any man could afford to give good counsel with respect to the maintenance of peace, it was Marshal Soult. If any man, by the opinions which he had expressed, was deeply concerned for the maintenance of peace, it was M. Guizot. If there were any two men who would shun a conflict with England in an unnecessary war, he should say it was these two men. It would be a sacrifice of truth, if he did not express his opinion. His belief was, that they were honest men, actuated by a sincere desire to accomplish the objects which they professed. He believed it firmly of Marshal Soult, because he admired the manly, honest boldness, with which the old soldier came forward, and when France was agitated from one end to another, declared that he bore a grateful recollection of the reception that he had met with in this country—a declaration, not the result of any personal vanity, but which he made, because he felt that in the pomp and magnificence of his reception, feelings of personal admiration of the man were not exhibited, but that they indicated that the old, ungenerous animosity which was entertained in this country towards France was gone, and that we took that opportunity of showing the different feelings which now prevailed in the country. He believed, that it was this which had passed in his mind, and he ran the risk of injuring him, by the compliment which he paid him, when in the British House of Commons he expressed a hope that he and M. Guizot might be success-

ful in maintaining peace, and that, aided by the returning good sense of France, they might rescue both France and England from the mischievous calamity of renewed hostilities.

Mr. *Grote* rose to explain. The right hon. Baronet, who had just sat down, and the noble Lord, the Secretary of the Colonies, appeared to have understood him to say, that it was his opinion that the design to occupy Constantinople by Russia was a sufficient cause for going to war to prevent that being done. He had, however, expressed no opinion pro or con; but he assumed only that it was the opinion of many of those who were near him.

Viscount *Palmerston*: I certainly am not going to extend my remarks upon the speech of the right hon. Baronet to any very great length; but I trust that I shall be able to show the right hon. Baronet that the objections which he has made do not rest on any solid foundation. I am happy to say, that in much that has fallen from the right hon. Baronet I entirely concur, and especially in that which fell from him at the conclusion of his speech, I do most sincerely and entirely agree. I concur with him in lamenting that the course which this transaction has taken for a time, and I trust only for a short time, interfered with and interrupted those good and friendly feelings, which so long, at least during ten years, have subsisted between England and France. I agree with the right hon. Baronet in thinking that it is of the utmost importance, not merely for the welfare and prosperity of the two countries, but that the peace and tranquillity of Europe require that there should be a good understanding between England and France. I have gone further than the right hon. Baronet on this question, for I have attached greater value than he has to the close connection between the two countries. It has often been my lot to stand in my place here, and justify myself against the charge of attaching too much importance to that connection, but I have always said when the topic has been brought up, that the alliance between France and England rests upon the interests of these two countries, and I cannot help thinking that the real interests of the former with regard to Turkey are identical with those of the latter, and that we have not been pursuing our own line of conduct, in reference to Syria, in such a manner as to justify any resentment or hostility on her part to-

wards us. There has been great misapprehension in the public mind in France as to the spirit of the proceeding, and the tendency of the steps which have been taken. I am persuaded that when the French nation come to cool their temper, and reflect more deliberately upon the principle upon which we have acted, and know and understand that we have not acted unfairly towards France, we shall find the temper of the French nation, as regards England, return to that frame which we most anxiously desire, and from which we regret that it should have departed. I feel glad, therefore, that the speech of the right hon. Baronet should have shown, first, that in the great interests of England both parties in this House concur; and that, whatever party rivalry may exist as to competition for power, on this point they do not stand in the way of unity of opinion when it is shown that the great interests of England are at stake; and also that, whatever may have fallen from individuals formerly among the leading men on both sides of the House, there is a settled conviction and an earnest desire that the best and most friendly feelings should exist between this country and France. I can assure the House and the right hon. Baronet that, as on the one hand, we should be able to show that no efforts on our part were omitted in the course of these transactions to obtain the co-operation of France, so, on the other hand, no proper exertions will be left untried to secure the future good-will of that country; and I am ready to admit, and to declare that, possessed as France is, of vast naval and military power,—placed as she is geographically in the centre of Europe, she cannot be excluded from the great affairs of Europe, and that no transaction of Europe can be completely or securely settled unless she be in one way or another a party to it. The right hon. Baronet thinks that we did not show sufficient court to France, or place sufficient confidence in her by not making her acquainted with the intention of the four powers to conclude the treaty of July 15. I have on former occasions discussed that point in this House, because it is so entirely a mistake to say that we allowed Parliament to separate last year without informing it of the nature of the proceedings with reference to this treaty, that upon two occasions it fell to my lot to enter into an explanation in this House as to the course of proceeding with regard to

the conclusion and signature of the treaty. Twelve months passed, during which we endeavoured to bring France to an understanding with us, upon the course of proceeding, and for the particular arrangement which the four powers desired to make. We failed in so doing. We made several propositions to France, which contained concessions on our part, and we stated that these were a sacrifice which we thought it expedient to make, in order to obtain its co-operation. The object was to carry the particular arrangement into effect, and that by coercive measures, and after the repeated refusals of France to be a party to that arrangement, would it have been anything but a mere mockery to have gone to her, and said "You have declined to give your consent to these measures; we told you before that we should act, and that if you did not agree to our proposal, we should act without you; will you now revoke your refusal, and be a party to this coercive measure, which you before told us you would under no considerations allow?" So far from such a step being really one of conciliation towards France, I have no doubt that although the French government and the French ambassador here might not have made it a ground of quarrel, they would have been entitled to say that it was not a step of conciliation, but that it implied that our former answer had been insincere, and that we were endeavouring to gain an advantage; in fact, that such a course would have been an act of incivility instead of a measure of conciliation. And as regards the question of expediency, it must be clear to every man, especially to those who have read the debates in the French chambers, that if we had taken that course, the treaty could never have been carried into effect. The French government had openly avowed, that delay was their only object; that they wished to gain time, so as to prevent us from doing any thing by those methods of negotiation, which are the legitimate means for governments to employ when they wish to prevent other governments from acting in a way which they do not like. This being so, and if we had acted thus, considering the time and season, when our operations on the coast of Syria must have ceased: and bearing in mind that any such communication between the two governments, would not have been a mere matter of simple "aye!" on the one side, and "no!" on the other, and that, there-

fore, it must have led to much loss of time; I say that it would have been an act of the greatest imbecility on the part of the four powers to have taken a course which, if they had taken it, would have answered the object of the French government, by producing delay, and for that year utterly prevented any effectual operations. Then, Sir, again, I am not aware that such a course would have been consistent with usage; because I do not know that the plenipotentiaries of those powers, which had Ministers at the court of England, would have been justified in submitting for the consent of the French government, a treaty which they were about to conclude, until they knew whether their own governments would ratify and approve it.

Sir R. Peel: But you had time to communicate it to the French government. Indeed, you did communicate it.

Vicount Palmerston: To whom?

Sir R. Peel: To the French ambassador.

Viscount Palmerston: No doubt, on the second day after the signing of the treaty, we did communicate to the French ambassador, not only the fact of such a treaty having been signed, but also the substance of that treaty. But that was not a communication on which the French Government could pronounce an opinion whether they would sign the treaty or not. The French Government would have said, "Show us the letter of the treaty—make us acquainted with its details—let us see it *in extenso*. We have told you already that we cannot agree to the substance of it as already communicated to us, and, therefore, in order to shew us why we should agree to the treaty as it is, you must let us see whether there is anything in the details that can make amends for the objectionable principle." Now, with regard to the question of communicating the treaty to Parliament, the right hon. Baronet says, that it was not fitting for the Government to allow Parliament to separate last Session, without making them aware of the nature of the engagements in which this country was about to involve herself. With regard to laying the treaty itself before Parliament, to that there is an insurmountable objection, because we could not lay before Parliament a treaty which had not been ratified by the other contracting parties. But the fact that such a treaty had been signed was made matter of discussion in this House. [

cannot charge my memory as to the period when the treaty itself was published in the newspapers—most probably not until after Parliament had risen; but I believe it was either a day or two before, or a day or two after. [Sir R. Peel: No: it sat a few weeks after.] I do not remember; but I do not lay any stress upon it. The point I wished to refer to was, the fact of the treaty having been concluded, and the general nature of it had both become matter of public notoriety, and had, on two occasions been made the subject of discussion in this House, on the motion of my hon. Friend, the Member for Kilkenny, and that therefore it is impossible to say that Parliament had been kept in ignorance of the general nature and bearing of our engagements. It would have been competent, in fact, for the House to have passed any opinion upon those engagements, either of approval or of censure, of any Member or Members, if this House had thought fit to have afforded the opportunity. But the right hon. Baronet says, that although the treaty could not have been laid before Parliament until ratified by the other contracting powers, yet that there was a protocol accompanying it, which announced a determination that some measure of exclusion should be acted upon, even before the treaty was ratified. That is perfectly true; but, in the first place, that protocol was founded on the treaty, and could not be laid before Parliament, except with the treaty out of which it arose; and, in the second place, it should be borne in mind, that although the plenipotentiaries of the four powers had determined that those measures should be acted upon, yet that protocol was to go to their courts with the treaty, and if they objected to ratify, then there would still have been time to notify that fact before the orders which had been given could have been acted upon; and, therefore, that although the protocol in question was in terms precise and decided, yet it, like the treaty, was subject to the approval or the disapproval of the other courts, who were parties to the transactions. Now, Sir, with regard to the despatch which I wrote on the 2nd of November, I should have wished to have communicated that despatch to the French Government before the change of ministry took place; in point of fact, it was communicated a few days afterwards. All I can say is, that circumstances prevented me from writing that answer sooner; and it did not appear to me that the fact

of a change of Government in France was any reason for preventing me from putting an answer on record to arguments which I could not admit, and to which it was extremely important that there should be a recorded reply. Sir, on the general question of our policy, and the grounds on which it rests, it will be the duty of Ministers to lay before Parliament such facts as will place the House in the position of having better grounds than they now have for forming a conclusion on these matters: and my noble Friend, who spoke in the early part of the evening, has stated in so able and impressive a manner, a general outline of the ground on which our policy has rested, that it is almost unnecessary for me to do more than refer to his speech for a full and complete justification. Though, indeed, it is but fair to ourselves to say, that with the exception of the hon. Member for London, and the hon. Member for Kilkenny, there is not, I think, a man in the House, who, on general grounds, and in the present state of the information possessed by the House on the subject, would be disposed to raise any objection to the course pursued by the Government. The state of affairs in the Levant, for some years past, has been pregnant with immense danger to the peace of the world. The Sultan had for a long time been constantly menaced and attacked by a subject who had already grown too powerful to be put down by any means which his sovereign could command; nay, who was in a position which rendered it impossible to expect, that he would longer forbear to act, after open declarations which showed not only that he was determined to cast off his allegiance, but also greatly to increase the range of his aggressions. The Sultan having shown himself unable to resist in the field the attacks of the Pacha, it became necessary for him to throw himself upon some other power; and the only choice we and the other powers had, was to give by common consent to the Sultan the general protection of the powers of Europe, or to allow him, as in 1832, to resort to the support of one power, which, by affording him assistance under such circumstances, would afterwards require an undue preponderance in its future relations with Turkey. Such being the position of the Sultan, I say, that the subject is one in which the interests of this country are deeply concerned, and not less the interests of the whole of Europe, and that the object of the policy

pursued was to avert events which must inevitably have involved the great powers in very serious difficulties. But then it is said, "You ought not, however important you might think the subject to be, to have engaged in this course of policy under the objection of France, because you were incurring the very danger of war, which you say it was your object to prevent." Now, in the first place, I say, that in all our previous diplomatic transactions with France, the principles and opinions which she had placed on record, entitled us to assume that France could not, without a dereliction of her own principles, and a departure from her own professions, take up arms in support of the Pacha and against the Sultan; and if she did not do so, then I conceive that no further question could arise, than that some would think that the enterprise was a more difficult one than we had calculated on, and that our available means of coercion were not sufficient to accomplish the purpose we had in view. Sir, the result has proved that our information and opinions on the subject were better founded, because we not only succeeded to an extent beyond all the expectations of those who underrated those opinions, but I may fairly also say, that our success was more rapid than any persons, even those who were the best informed upon the subject could have been justified in expecting. But why has it been so? For the very reason which ought to recommend the course of policy to my hon. Friend, the Member for Kilkenny, because we were assisting a willing people in relieving them from a slavery which they found to be intolerable, and in aiding them to return to their allegiance. For if the people of Syria had not to a man been anxious to return under the Sultan, and get rid of the rule of the Egyptians, the squadron and the marines which we had on the coast would not have been sufficient to accomplish that result which it has been our good fortune to realize. Therefore, it is, I say, that we take credit on good grounds; first, in thinking, that what we were about would not disturb the peace of Europe; and, secondly, that we were not undertaking an object which we had not the means to accomplish. Now, Sir, although undoubtedly great irritation has been created in France by the course which the four powers have felt themselves bound to take, yet I feel bound to say, that if the same pains had been taken to enlighten and inform the public

opinion of France as to the nature of the recent transactions, and the spirit in which they have been conceived, as have been taken to mislead them, and excite unfounded jealousy and groundless animosity, I am convinced, that the interruption which has unfortunately for the moment taken place in the good understanding between the two countries, either would not have existed at all, or if it did exist, it would have been infinitely less, and in a much more mitigated degree. Sir, I shall not on the present occasion go into those details and minor points in the arrangement to which my hon. Friend, the Member for Kilkenny, has referred, or I might advert to many points which he will find explained, when the papers are laid before him. I shall then be ready, when the House are in possession of full information, to go into a more detailed explanation, which will then be more easily understood by the House. I will only add, that it affords me great satisfaction to think, that if my hon. Friend does put to the vote the amendment which he has read to the House, he is not likely to have a very large or numerous party to support it. If I were inclined to criticise his address on the same principles as those on which he has criticised ours, I think I might point out almost as many matters that ought to be touched on as he has alleged against our Speech and Address. Sir, I shall not further detain the House. I can only again repeat, that if we did not advise the Crown to include in the Speech from the Throne, any expression of regret that France was not a party to the treaty, it was not because we did not feel that regret, or that we thought the House would not respond to it, but because, as I apprehend, it would have been unusual, and inconsistent with the ordinary principles on which Speeches from the Throne are usually framed, to have expressed regret at an interruption of a good understanding, which had not been marked by any diplomatic event. If either country had withdrawn its minister, and had thus interrupted the diplomatic relations of the two countries, then it would have been a public act, of which the Crown might have taken notice in the Speech from the Throne. But for the Crown merely to have taken notice of the irritation which has been manifested in various ways would not have been consistent with the ordinary course of proceeding, in framing a document of that kind. If the right hon. Ba-

ronet thinks the omission to which he alluded implies any want of regret on the part of her Majesty's advisers, I can assure him for myself, and equally for all my colleagues, that the regret which he has expressed is sincerely shared by us, and that we confidently hope, that before any length of time elapses, we shall find the present irritation of feeling in France had subsided, and that France has returned to her natural and proper position in Europe, and that the good understanding which has arisen out of the common fundamental interests of the two countries, will be found to have returned to its former condition.

Amendment negatived.

Address agreed to, and referred to a Committee.

HOUSE OF LORDS,

Wednesday, January 27, 1841.

MINUTES.] NEW PEERS.—The Bishop of Chichester, and Lord Arden, took their Seats.

The House only met to carry up the Address to her Majesty.

HOUSE OF COMMONS,

Wednesday, January 27, 1841.

MINUTES.] NEW MEMBERS.—Henry Bruen, Esq., for Carlow County; and Mark Blake, Esq., for Mayo ditto. NEW WRITS. For Reigate, *Vice* Viscount Eastnor, become Earl Somers.

Bills. Read a first time:—Constabulary.

Petitions presented. By Mr. G. R. Phillips, from Parishes in the Diocese of Hereford, against any further Grant to Maynooth College.—By Mr. Easthope, from Leicester, against Church Rates.—By Sir R. H. Inglis, from Bishops Stortford, complaining of Idolatrous Practices in India.—By Captain Pechell, from Monmouth, for the Reformation of Ecclesiastical Courts.

ADDRESS—REPORT.] The Report on the Address brought up; it was read a first and second time; on the question that it be agreed to,

Sir R. H. Inglis was anxious to take this opportunity of calling the attention of the House to a remarkable omission in her Majesty's Speech from the Throne, as also in the speeches of the Ministers of the Crown who spoke in the course of the debate last night. It had been complained of last night, that no mention had been made of France in the Speech from the Throne; but the omission to which he was now about to allude was of a matter nearer home, and of much deeper interest to this country. He believed, that every

Member present would anticipate that he wished to refer distinctly to the repeal question in Ireland. He wished that her Majesty's Ministers had advised her Majesty to express an opinion on that subject. But even if any consideration could have induced them to have passed it over in the Speech from the Throne, no such consideration could have justified them, as he thought, in maintaining that studied silence on the matter which they had maintained during the night. It was true, that it could not be expected that the Speech from the Throne could comprehend every subject of general interest on which Parliament might have to decide in the course of the Session. But he would ask any Minister of the Crown, or any Member of the House, to state any one subject of greater importance to the tranquillity and safety of the empire, than that agitation with regard to the Union which now prevailed among the whole community in Ireland. Was the subject looked upon as too inconsiderable, or as having no direct bearing on the tranquillity of the empire? The hon. and learned Member for Dublin, whom he did not then see in his place, would hardly agree with Ministers in saying that the subject on which he had almost staked his political existence was one of minor importance. Either the Ministry would credit the hon. and learned Member or they would not. If they were inclined to believe that hon. and learned Member and a near connection of his who had been engaged in the work of agitation, 50,000 men had assembled on one occasion, 100,000 on another, 200,000 in Cork, and 300,000 in Kilkenny, taking part in the proceedings. He would ask the noble Lord and hon. Gentlemen opposite, whether, if those statements were correct, it were fit that the subject should have been passed over unnoticed by her Majesty's Ministers in the Speech they recommended her Majesty to address to the House? Or was it considered, on the other hand, that the question did not involve the peace and tranquillity of the empire? Why, her Majesty's representative in Ireland seemed to think that the mere agitation of the question involved the tranquillity of the second city of that country, and he had accordingly despatched troops thither, in order to enable the civil authorities to maintain the public peace when the matter came under discussion. There was also another question which he wished to put to

her Majesty's Ministers. The hon. and learned Member for Dublin had distinctly stated, that the repeal question was now a vital one, and that every man must either be a Conservative or Repealer. He would ask the noble Lord whether he would accept that alternative—he would ask him whether he were content with it? And then he would ask the noble Lord was he a Conservative or was he a Repealer? The time was come, said the hon. and learned Member for Dublin, when every man must make his election. Had the noble Lord made his choice—was he a Conservative or a Repealer? Or, if the noble Lord did not accept that alternative, and did not confide in the hon. and learned Member for Dublin, would he express that want of confidence before the House? Were Ministers prepared to take their stand upon this question? There could be no moral doubt they were. He was confident they would not hold the situations which they now held, unless they were determined to stand or fall by the question of the union. Then why not say so? They should either have stated so in the Queen's Speech or in their personal addresses to the House in the course of the debate. A few words from them, and especially from the leader of that House, last night, would have been very satisfactory to the people, and he believed to every individual in that House, except, perhaps the hon. and learned Member for Dublin. He would not advert to those points in the Speech on which sufficient discussion took place last night, farther than to say that he entirely concurred in all that had fallen from the right hon. Baronet (Sir Robert Peel), with respect to the omission of the name of France—an omission which, he thought might have been supplied without any loss to our national dignity, and with great advantage to the feeling and peace of the country.

Lord John Russell said, that he certainly had not thought it necessary to make any statement to the House respecting the agitated question of the repeal of the union. He conceived, that his opinions upon this subject were sufficiently well known; and his noble Friend the Lord-lieutenant of Ireland had recently expressed himself on the subject in a manner which might be taken to convey the declared opinion of her Majesty's Government. With respect to the policy of advising her Majesty to make a declara-

tion on the subject, he conceived that the propriety of doing so depended upon whether or not such a declaration would be advantageous and expedient; and certainly in time of formidable agitation on the subject it might be expedient to advise the Crown to make such a declaration, but at other times he thought that such a declaration would rather add importance to the cry at the moment, and lead to such agitation being too frequently repeated, which he thought it was highly expedient to avoid. Upon these considerations, therefore, he had not thought it right to recommend her Majesty to make any allusion to this subject in her Speech from the Throne on the present occasion. His hon. Friend had asked him rather a singular question upon the authority of a position stated by the hon. and learned Member for Dublin—namely, that all men were either Conservatives or Repealers, a statement which the hon. Baronet appeared to consider to be conclusive. It might be so to the hon. Baronet, who might put implicit faith in any *dictum* of the hon. and learned Member for Dublin if he pleased; but all he could say was, that he was not prepared to follow his example, and therefore he held himself free on the present occasion from declaring himself either a Conservative or a Repealer. But he would now put a question to his hon. Friend, in return, respecting the movement of certain troops to Belfast, which were so moved in consequence of a threat or announcement which had been held out by certain persons, that if the hon. and learned Member for Dublin made his proposed journey to Belfast there would be a violent resistance to his progress, and that a riot and breach of the peace would in all probability be the result. Now, he begged to ask the hon. Baronet if he could inform him whether these threats were made by Conservatives or Repealers? If by Repealers, he should not have thought they would have made so violent an opposition to the hon. Member for Dublin; but if by Conservatives, it seemed to him to be a very odd exhibition of Conservative principles—a very odd way of preserving the peace. Perhaps his hon. Friend would favour him with a definition of his views on this subject.

Report agreed to. To be presented to her Majesty at Buckingham Palace.

STANDING ORDERS.—PETITIONS.] The usual Sessional standing orders were moved,

On that relating to petitions,

Lord *Stanley* suggested that those petitions ordered to be printed by the House, without reference to the committee on petitions, should have a mark of privacy put on them to this degree, that they should be printed for the use of Members only. It was desirable that Members should have an opportunity of sifting the allegations of some petitions, but it was equally desirable that charges should not be circulated throughout the country under the sanction of their privileges which the parties affected had no opportunity of refuting.

Lord *John Russell*: There had certainly been greater abuse of the privilege of printing petitions in the manner represented by the noble Lord than in the printing of any other of their records. It was a question whether they should not adhere to the practice of sending all petitions to the committee, unless in some cases of great urgency.

Mr. *O'Connell* observed, that it was only in cases of urgency that the rule was now departed from. He was of opinion that there should be a separate committee for the consideration of petitions containing criminatory matter, and that that committee should have the power of deciding on the question of printing.

Viscount *Howick*: The experience of every Gentleman for the last Session must convince him that they were rapidly relapsing into the old and condemned practice as regarded the presentation of petitions. Whenever a Gentleman wished to call particular attention to any complaint, no matter how ill-founded, he presented a petition according to the usual rule, and it was appended without opposition to the votes. The committee on printed papers, of which he was chairman, recommended that some steps should be taken to remedy this evil.

Mr. *Goulburn*: If petitions containing charges were sent to the committee upstairs, he did not see that they could exclude any portion without special instructions. In that way the objection as to publicity would remain as strong as ever. The only remedy in his mind was to print such petitions for the use of Members only.

Sir *R. Inglis* thought that all petitions

should be referred to the committee, giving them a discretion as to the selection of parts for publication.

Sir *R. Peel* doubted whether the House would be willing to delegate such a power. The best security against abuse was in his opinion, the vigilance and precaution of the House and of the Member presenting any petition. He concurred, therefore, in the proposal of his noble Friend (Lord *Stanley*).

Mr. *Hume*: It would be well if notice were given the previous day of the presentation of any petition that was to be brought forward, and that it contained criminatory matter.

Mr. *Wakley*: knew that persons entrusted petitions to Members who, after the accusatory matter was mentioned in the House, said their object was gained, and they did not desire to push the matter farther. This was a gross breach of the obligation by which every Member should feel himself bound. Every Member should certainly satisfy himself that there was at least some good ground for bringing inculpatory allegations under the notice of Parliament. If the suggestion of the noble Lord were acted on, the accused party would be shut out from a knowledge of the facts affecting him.

Lord *Stanley*: His desire was to prevent a general circulation. But there was nothing to prevent an individual Member from apprising the accused party of the charges made against him.

Order as usual made.

STANDING ORDERS.—MIDNIGHT SITTINGS.] On the Order for regulating the proceedings of the House,

Mr. *Brotherton* objected to the introduction of any new business after twelve o'clock. This proposition appeared to him so reasonable, that he could not believe it would be opposed. Whatever might be the feeling of that House with respect to limiting the duration of their proceedings, he was quite convinced that the feeling of the country did not approve of their late proceedings. They often boasted of the wisdom of their ancestors. Their ancestors wisely legislated in the day-time. All the Legislatures of Europe, and of the United States, did the same. It was objected by some honourable Members, that the adoption of his rule would lengthen the Session; but he was of opinion, that the principal effect of it

would be the shortening of some of the speeches. It seemed to him that the restriction which he proposed as to the hours for legislation would greatly facilitate the progress of public business. There was another point of view in which this question ought to be considered. The public had a right to know what was done in that House; but under the present system it was impossible they could obtain that knowledge. At midnight the reporters were exhausted, and experience proved that they could not pay attention to matters which occurred after that hour. The public remained uninformed upon topics of great importance if they were discussed after twelve o'clock. In his opinion it would be better to adjourn early; but, failing that, he hoped the House would agree to his proposition, which, indeed, was so reasonable, that it ought to obtain general support. The hon. Member concluded by moving, "That no new business which shall be objected to by five Members be brought on after twelve o'clock at night."

Mr. *Ewart* seconded the motion. He thought that late sittings pressed with peculiar severity upon those hon. Members who attended to their duties in the day time upon committees. It was alleged, that if the House adopted the proposition of the hon. Member for Salford, it would soon be found necessary to meet at an earlier hour, which would be very inconvenient to lawyers and merchants, who were Members of that House; but he could not admit, that the convenience of those Gentlemen ought to be put in competition with the public interests. If the House of Commons were to rise at an earlier hour, it would very soon produce an effect on the customs of society; for it could not be doubted that the late hours which distinguished English society from that of every other country were the result of the protracted sittings of Parliament. The practice also produced a bad effect in the public offices, for there business was rarely transacted until one o'clock in the day. It would be better on every account to sit at one o'clock in the day, as in the time of Sir R. Walpole. Would it not strike a foreigner with astonishment to witness the dormant legislation which was transacted in that House at a late hour? On one bench a Secretary to the Treasury might be seen extended at full length; on another a Secretary to the

Admiralty alike recumbent; on another a non-effective army official; and on another a subdued President of the Board of Control. Last Session, when a question was addressed to the Secretary for Foreign Affairs, it was found that he was fast asleep. These were unseemly incidents, which could not occur under a different system.

Mr. *Briscoe* supported the motion. He referred to the day legislation of France and America, and said, it would better become the Members of the House of Commons to follow that example than to waste their time and constitutions in idle declamations and contentions.

Lord *John Russell* said, that this question had been several times discussed, and he had never been able to perceive that, by the adoption of the rule which the hon. Member for Salford proposed, the House would be enabled either to do more business, or to do it more efficiently; on the contrary, he believed that the establishment of the rule would cause business to be postponed day after day, which at present was transacted conveniently and well. The hon. Member for Wigan seemed to think that the assistance of lawyers and merchants and others might be of no advantage; but, for his part, he doubted very much whether the debates would be shortened, or the business transacted as efficiently, if lawyers took no part in the discussions on legal points, merchants in those connected with trade, and official Members in those relating to official details. If such discussions were carried on in the absence of the classes of Members to whom he had referred, the House collectively would lack much of the information which it was essential it should possess. He did not wish to underrate the eloquence or talent for debate displayed by the members of the American Congress or the French Chambers, but there really could be no comparison between the amount of business done in Congress (which, after all, was not the Legislature of the country), or in the French Chambers, and that transacted in the House of Commons.

Mr. *O'Connell* said, that there was a great difference between getting through business and doing it. He believed, that the House of Commons got through more business than the French Chambers, but he doubted whether they did as much. A number of Acts of Parliament were passed

every year which never received proper consideration. The objection which the noble Lord had taken on behalf of the lawyers and merchants would apply only to those who resided in London; for by others the inconvenience, if any, was already endured. But in any case the public interests ought not to be sacrificed to the convenience of any man. It was notorious that at present five Members might, by acting in concert, prevent any business from being proceeded with; and the adoption of the hon. Member for Salford's resolution would only have the effect of relieving Members from the odium of resorting to such a course. He would support the motion in the hope that it might have the effect of compelling the House to return to common-sense hours of doing business. As a proof of the bad effect of protracted sittings on the health of Members, he might mention that the late Speaker informed him that the last six weeks of a Session in which the House sat late, were more prejudicial than all the previous part of the Session.

Mr. Hume approved of the motion, and suggested that the House should adopt a rule to prevent the debate being adjourned for more than a single night beyond that in which it commenced. It must have occurred to every one who had watched the discussions in that House, that, after the second night of debate, no new matter was ever introduced. If his suggestion were acted upon, it would cause Members, who now postponed their speeches to a late hour, to speak early in the evening.

The House divided; Ayes 31; Noes 130:—Majority 99.

List of the AYES.

Aglionby, H. A.	Palmer, G.
Baines, E.	Plumptre, J. P.
Blake, M.	Pryme, G.
Blakemore, R.	Salvey, Colonel
Briscoe, J. I.	Staunton, Sir G. T.
Corbally, M. E.	Strickland, Sir G.
Dashwood, G. H.	Style, Sir C.
Hector, C. J.	Turner, W.
Hume, J.	Wakley, T.
Jackson, Mr. Sergeant	Walker, R.
James, W.	White, A.
Morris, D.	Wilbrabam, G.
O'Brien, W. S.	Williams, W.
O'Connell, D.	Yates, J. A.
O'Connell, J.	
O'Connell, M. J.	
O'Connor, Don	

TELLERS.

Brotherton, J.
Ewart, W.

List of the NOES.

Ainsworth, P.	Hoskins, K.
Baring, rt. hn. F. T.	Howard, hn. E. G. G.
Baring, H. B.	Howick, Viscount
Barnard, E. G.	Hughes, W. B.
Berkeley, hon. C.	Hurt, F.
Bewes, T.	Inglis, Sir R. H.
Blackburne, I.	Irton, S.
Blake, W. J.	Irving, J.
Botfield, B.	Kemble, H.
Bowes, J.	Knatchbull, right hon.
Broadley, H.	Sir E.
Broadwood, H.	Knightley, Sir C.
Brownrigg, S.	Labouchere, rt. hn. H.
Bruges, W. H. L.	Lascelles, hon. W. S.
Buck, L. W.	Lefroy, right hon. T.
Buller, Sir J. Y.	Lincoln, Earl of
Burroughes, H. N.	Lushington, C.
Busfield, W.	Mackinnon, W. A.
Carew, hon. R. S.	Macnamara, Major
Clay, W.	Mahon, Viscount
Clements, H. J.	Melgund, Viscount
Clive, E. B.	Milnes, R. M.
Clive, hon. R. H.	Monypenny, T. G.
Cochrane, Sir T. J.	Muntz, G. F.
Compton, H. C.	Ord, W.
Courtney, P.	Packe, C. W.
Cowper, hon. W. F.	Palmerston, Viscount
Dalrymple, Sir A.	Parker, J.
D'Eyncourt, rt. hon.	Parker, M.
C. T.	Pattison, J.
D'Israeli, B.	Peel, rt. hon. Sir R.
Divett, E.	Perceval, Colonel
Duncan, Viscount	Philips, M.
Duncombe, T.	Planta, rt. hon. J.
Easthope, J.	Pollock, Sir F.
Eliot, Lord	Praed, W. T.
Elliot, hon. J. E.	Pringle, A.
Estcourt, T.	Redington, T. N.
Evans, W.	Richards, R.
Fielden, W.	Round, J.
Fitzroy, hon. H.	Russell, Lord J.
Fort, J.	Scarlett, hon. J. Y.
Fremantle, Sir T.	Seale, Sir J. H.
Freshfield, J. W.	Seymour, Lord
Gaskell, J. Milnes	Shaw, right hon. F.
Gisborne, T.	Shelborne, Earl of
Gordon, R.	Sheppard, T.
Goulburn, rt. hon. H.	Somerset, Lord G.
Graham, rt. hn. Sir J.	Sotheron, T. E.
Greene, T.	Stanley, Lord
Grey, rt. hon. Sir G.	Stanley, hon. W. O.
Grimsditch, T.	Stanfield, W. R. C.
Hastie, A.	Stewart, J.
Hawes, B.	Stuart, W. V.
Hawkes, T.	Strutt, E.
Heneage, G. W.	Talfourd, Mr. Serg.
Henniker, Lord	Tancred, H. W.
Herbert, hon. S.	Thorneley, T.
Herries, rt. hn. J. C.	Trotter, J.
Hinde, J. H.	Tufnell, H.
Hobhouse, T. B.	Villiers, Viscount
Hodges, T. L.	Vivian, Major C.
Hodgson, F.	Waddington, H. S.
Hodgson, R.	Wilshire, W.
Hope, hon. C.	Winnington, Sir T. E.

Wodehouse, E.
Young, J.

TELLERS.
Stanley, F. J.
Smith, V.

STANDING ORDERS — COMMITTEES ON PRIVATE BILLS.] Mr. *Ewart* said, that the reform he proposed related to the judicial, not the legislative, character of the House. Nothing was more important than that that portion of its character should be pure. It nearly concerned the public that it should be so, and it nearly concerned the House itself. It must have struck every Member who had either personally attended, or become acquainted with the proceedings of committees on private business, that the constitution and character of those committees were capable of much amendment. The most obvious defect lay in their constitution, the number of their members was too great for responsible or efficient action. He proposed at once to increase their responsibility and efficiency by reducing the number of their members. But the most serious ground of complaint lay not in the constitution, but in the character of the committees. It had been, he feared with too much justice, imputed to those committees, that they acted frequently from local, sometimes from personal, feeling. He need not say how grievous such a charge was when made against the Members of that House, how much it would tend to lower them in public estimation. How necessary it was, therefore, that the ground for such imputations should be removed. Members might now be personally interested in the subject of a bill proceeding from their own neighbourhood, and yet they might form part of the committee on the bill. They might be locally interested through their constituents in the fate of the measure, yet they served on the committee by which that fate was decided. He appealed to Gentlemen who had sat upon those committees, whether after the committees had met, they were not often divided into several local parties, and swayed by local influences. He saw several hon. Members near him who served on a committee last Session, which was prolonged for the space of about two months; he alluded to the Liverpool Docks Committee. In that case the contest became one of local opinion and local interest; and it was almost impossible, from the views taken by most respectable persons on both sides, for the members to separate and keep clear of those feelings of locality, which, to the noble Lord, the

Member for Liverpool, on the one hand, and to himself on the other, rendered it so difficult to come to a conclusion. But this was only one case; such instances were almost innumerable. There was scarcely one hon. Member who had served upon committees, who had not reprobated this evil in a tribunal which ought to be strictly judicial, and should never be made to serve a local, much less a personal purpose. It had even happened that a subject, apparently local, had been converted into a political question. One political party had taken up one side of the question, another party the other. It had been surmised, for instance, that by the passing of a particular act, the number of voters belonging to one party would be diminished, or those of another party increased. Thus the question, from being purely judicial, became first a local, and secondly, a political one. The ends of justice were frustrated, the House did not do its duty, and the public interest was forgotten. Then the existence of these feelings in the committee gave rise to a system of canvassing out of it. An active canvass of members by the parties took place both previous to, and during the sitting of the committee—a system degrading to, and deprecated by, both sides. He therefore thought the time was come when they were called upon to vindicate the character of the House, and do their duty to the public. The public had not slumbered on this important question. There had not been many petitions on the subject from the people of England. But a reference to the journals of the House would show that there had been numerous petitions complaining of committees of the House of Commons from Scotland. He supposed that this circumstance was attributable to the clear sightedness and intelligence of the people of that country, which prompted them to enquire sagaciously and keenly into the conduct of those deputed to represent them. He found from the journals and reports of the House, that petitions had been presented on this subject from Dunbarton, Ayr, Dunfermline, Forres, Glasgow, Greenock, Kilmarnock, Perth, and Wick. As the Perth petition at once corroborated and embodied his (Mr. Ewart's) own views, he would beg leave to quote it. The petitioners complain that, “instead of committees being chosen, like all other impartial judicatories, in respect to entire freedom from bias or connexion, the almost inevitable consequence of selecting Members from within the divisions where the

measures originate, is either to bias the judgment of those called on to adjudicate between the parties, or to produce serious heart-burnings and differences between the Members of the committees and their constituents, that the Members should be limited in point of numbers: and that local connexion with the measures to be discussed instead of forming a ground of selection, should invariably be held the most cogent reason for disqualification and ineligibility." He now proceeded to develop his plan. They now had a committee of selection appointed at the beginning of a Session. He proposed, that, whenever a committee was required on a private bill the committee of selection should choose seven Members from among those gentlemen who were least interested, either personally themselves, or locally through their constituents, to act as a committee on the bill. By this provision he would endeavour to increase the purity of these tribunals. His next object was, by reducing the numbers, to increase the responsibility and insure a more regular attendance of Members. He did not come before the House without strong evidence on the subject (The hon. Gentleman then proceeded to quote, from the report of a committee which sat last Session, the evidence of a number of Parliamentary agents of great experience—Messrs. Hayward, Pritt, Bourke, and others—in corroboration of all his preceding statements, both as to the existence of the abuses of which he complained, and the necessity of the reforms which he proposed). In fact, the experiment which he suggested had been partly tried already and had succeeded. It was known that the committee of selection had lately placed upon committees on private bills, Members who were called "Selected Members." They were placed there, generally to the number of two or three, to counteract the partial tendencies of the rest of the committee. They had given great satisfaction to the parties in the cause, wherever he (Mr. Ewart) had been able to pursue his enquiries. The principle therefore of his reform was already admitted. He wished to carry it out. He wished all the Members to be "Selected Members." But he had not only the evidence taken before parliamentary committees to support the suggestion which he made, he had not only the fact that the experiment had been partially tried and had so far succeeded, he had also the satisfaction to find that the plan which he pro-

posed had been adopted, and had succeeded in the House of Lords. It was well known to hon. Members about him that the House of Lords several years ago found the same reason to complain as the Commons did now, of their committees. They reformed the whole system; reducing the Members of their committees to five, and selecting those five from Peers neither personally nor locally interested in the question before them. He would not further advert to this part of the question, but refer hon. Members to the evidence given by the Duke of Richmond before a committee of the House of Commons in the year 1838 on this subject, which he (Mr. Ewart) had then before him. He felt convinced, that by the change which he proposed, not only would the tribunals to which it applied be rendered more pure, but that business would be better conducted, and the delays which had been hitherto to a very great extent caused during the sittings of committees by Members interested in the questions under consideration, would be put an end to. He said Members had caused delays, and it must inevitably be so, inasmuch as they were interested as partisans, and they acted with the spirit of partisans. Another advantage of the system he proposed was, that many excellent Members who at present were scarcely ever called on to serve on committees, would have their talents and their energies brought into action. If Members did not happen to represent places in some large manufacturing districts—if they represented an agricultural district or a rural town—they never served, except on some paltry bill for the diversion of a road, or the establishment of a turnpike. He would add that though by the plan proposed, Members interested through themselves or their constituents would be prevented from sitting as judges in the committee, they would have the power to appear as witnesses. In this character they might fully develop their views. His (Mr. Ewart's) plan would not exclude information, but it would exclude interest. And he would further add, that he should prohibit Members from serving on more than one committee at a time. He therefore called upon that House to adopt the amendment he proposed. The character of a public body, like that of an individual, was the first of all considerations. It nearly concerned the character of the House that the fountains of its justice should be pure: or, if not pure, as little contaminated as possible. He therefore

proposed the following resolution, as the basis of his scheme :—

“ 1. That it is expedient that committees on private bills should be approximated, more nearly than they now are, to judicial tribunals, and exempted, as much as possible, from all motives of local and personal interest ; and that the responsibility and efficiency of committees of this House in general would be promoted by diminishing the number of Members composing them.”

Sir *George Grey* hoped the hon. Member for Wigan would not press his motion to a division, but would await the result of the improved system now in operation. He hoped the hon. Member would think his purpose was sufficiently answered in having brought the question before the House. If the hon. Gentleman did press for a division he should be compelled to vote against him.

Mr. *Aglionby* said, it had been always thought most essential to have our tribunals as pure as possible from all private and local interests. This question was not a new one, but had been raised again and again before the House. It was necessary to have local information, but it was not necessary to have local interest—or if it were, the local interest he would have should be the same as that had by the House of Lords. It was admitted that no Member who had pecuniary interest could sit on a committee about to decide on some question that might affect it, and he could not distinguish between pecuniary interests and the bias and force imposed upon Members by the wishes of their constituents. The system adopted by the House of Lords was found to work very well, and he could not see why the House of Commons should be behind that noble House in reforming its private business. Sufficient time had been allowed for trial of the present system. The Speaker had had the honour of introducing many reforms, but many were still required.

Mr. *Goulburn* hoped that hon. Members would take the advice of the hon. Baronet (Sir G. Grey), and not press for a division. It was a question of great importance. If he considered a committee of the House of Commons as a purely judicial tribunal, he might agree with the hon. Member for Wigan ; but he did not regard a committee of that House as acting in an exclusively judicial capacity. His view of them was that a committee was appointed to do that which the House

of Commons itself ought to do, but which for the convenience of public business was devolved to a selection of Members of the House to prevent the House being so encumbered with business as to be prevented discharging its duty to the public. He should as soon think of excluding any person from giving information as a Member of the House of Commons from a committee on a question in which he was locally interested. The hon. Member for Wigan's motion went to the point that no Member should serve on a committee who, through his constituents, was interested in the bill. Now that would exclude him from doing that which was one of the objects for which he was returned. A Peer had no constituents to represent, and could have nothing but a local interest, therefore the House of Lords were bound to take measures to prevent their committees being formed by those who might be personally interested. He could not consent to adopt a practice, which, in his view of the duties of a Member of Parliament did incapacitate him from superintending the interests of those by whom he was sent to that House. The present system ought to have a fair trial, but at all events it was a subject of too much importance to be decided in so thin a House.

Mr. *Warburton* could draw no distinction between the duties of Members upon public bills, and their duties upon private bills. Members were sent there not as the agents or attorneys of their constituents, but to consider the interests of the whole empire. No doubt the present practice was an improvement upon the whole system, but even now repeated applications were made from committees on private bills, in consequence of the requisite number of disinterested Members not attending for permission to proceed in spite of that non-attendance. He was of opinion that the sooner the present system was changed the better it would be for the public.

Sir G. *Strickland* said, that if his hon. Friend pressed his motion to a division, he should certainly vote with him, because he was inclined to think the committees wanted further improvement. At the same time he thought his hon. Friend had not completed the plan he intended to adopt. He agreed that the committees ought to be kept as pure as possible from local interests. He thought that the plan proposed by his hon. Friend might be more fully worked out, and he would therefore

wish that he would not call on the House to come to a decision without further consideration.

Mr. *Estcourt* thought, that the hon. Member might more properly have introduced his proposition some years ago, when abuses existed in regard to committees on private bills, which had since been removed. The amendment had been made on various occasions, and some of them in the course of last Session. Besides, no system could obviate every possible inconvenience; and for his part he was of opinion that if they removed from private bill committees all Members who had an interest in them, they would only deprive themselves of the necessary local information.

Mr. *Labouchere* hoped that his hon. Friend would not press his motion against the recommendation of the committee of last Session that the system then adopted should have a fair trial. The question whether committees should be exclusively official and divested of local interests was one of very great difficulty. That House could not separate its committees from the representative character of the whole body and render them strictly judicial, as were the committees of the House of Lords.

Mr. *Pryme* considered it would be a great evil not to have local Members on the committees, and thought that a committee, constituted on the plan of the hon. Member for Wigan, might, with the greatest possible desire to do justice, commit gross injustice for want of local knowledge.

Mr. *Hume* would ask the hon. and learned Member for Cambridge what he would think if he were to see a jury-box filled with persons having a local interest in the matter to be tried, and the cases of a jury and committee were exactly similar. He would admit, that it had been usual to consider Members were placed on those committees to do the jobs of their constituents. But that was an abuse which he wished to see done away with altogether. He would admit, that many abuses which had existed formerly in respect to the appointment to private committees, had been remedied, but that was only a reason for getting rid of the remaining ones. He thought, that the time had come when there should be no more temporising, and would, therefore, support the motion of his hon. Friend. He, for one, would not be afraid to go before the country on this

question, as he was convinced, that every honest constituency would say, that they would rather submit a question to a committee having no local interests, than be subjected to jobbing.

Mr. *Rice* said, that it was frequently considered an advantage at quarter sessions and assizes for a jury to have local knowledge of the matter in dispute.

Mr. *Ewart*, with every disposition to accede to the proposition of the right hon. Baronet, felt so strongly, that justice and reason were on his side, that he must press the question to a division.

The House divided :—Ayes 22 ; Noes 24 : Majority 2.

List of the AYES.

Aglionby, H. A.	Stansfield, W. R. C.
Berkeley, hon. C.	Stewart, J.
Bewes, T.	Strickland, Sir G.
Blake, M.	Strutt, E.
Brotherton, J.	Talfourd, Mr. Serg.
Bulwer, Sir L.	Tancred, H. W.
Greene, T.	White, A.
Heathcoat, J.	Williams, W.
Hector, C. J.	Yates, J. A.
Hume, J.	TELLERS.
Muntz, G. F.	Ewart, W.
Salwey, Colonel	Warburton, H.

List of the NOES.

Baldwin, C. B.	Labouchere, rt. hn. H.
Barnard, E. G.	Morris, D.
Briscoe, J. I.	Noel, hon. C. G.
Broadley, H.	O'Brien, W. S.
Bruges, W. H. L.	Packe, C. W.
Buller, Sir J. Y.	Plumptre, J. P.
Busfeild, W.	Pringle, A.
Courtenay, P.	Pryme, G.
Elliot, hon. J. E.	Rice, E. R.
Freshfield, J. W.	Richards, R.
Gordon, R.	TELLERS.
Goulburn, rt. hon. H.	Grey, Sir G.
Hinde, J. H.	Estcourt, T.
Hodges, T. L.	

COPYRIGHT.] Sergeant Talfourd moved for leave to bring in a bill to amend the law with respect to Copyright.

Mr. *Warburton* could assure the House, that he did not intend to let even a stage of the bill pass without offering to it his most strenuous and determined opposition. When the matter was formerly discussed, either upon the introducing of the bill, or the second reading, Gentlemen on that side of the House stated, that they entirely disagreed, both with respect to the principle and details of the bill, but if he would allow the hon. and learned Member to bring in the bill, when it came into

committee they would assist him in opposing the details of the bill, and then there would be no difficulty in getting rid of the question. He divided the House on the second reading, and those Gentlemen voted with the hon. and learned Gentlemen. He of course supposed, that when the bill came to the committee, he should have had the assistance of those Members, amongst whom were her Majesty's Attorney-general, and some of the Cabinet Ministers, but when the bill came into committee, he had as much reason to complain of the state of the House as the hon. and learned Gentleman had. Those who had promised him their support were not in attendance, and he had to fight against the bill single handed. He would not commit the same mistake again, and therefore it was, that he was determined to fight it in every stage, and if he could not get support in that House, he would endeavour to get it out of it. He considered the bill as one that was calculated to inflict the greatest injustice on certain portions of the community. In the very outset of the question, the hon. and learned Gentleman and himself were at issue upon the true principle on which the judgment of Members ought to be guided with respect to the measure. He considered, that that judgment ought to be formed upon its utility. He did not agree with that mode of meeting the question. He contended, that the interests of authors and the interests of the public were both to be considered, and properly and duly weighed. It was upon these grounds that the discussions before the judges and the House of Lords proceeded. On former occasions, when this question had been argued, the hon. and learned Member had said, "I have the common law right with me."

Debate adjourned.

HOUSE OF LORDS,

Thursday, January 28, 1841.

MINUTES.] NEW PEER.—Earl Somers took his Seat on the death of his Father.

Bills. Read a first time:—Copyhold Enfranchisement.

ANSWER TO THE ADDRESS.] The Lord Chancellor announced to the House that the Lords appointed to present the Address of the House to her Majesty had waited on her Majesty accordingly, and that her Majesty had been graciously pleased to return the following answer:—

"MY LORDS,

"I thank you for your loyal and affectionate address. I entirely rely upon your assistance in the maintenance of the best interests of the country, in the preservation of peace, and the promotion of the general welfare of my people."

Answer to be entered upon the journals of the House.

TRIAL OF THE EARL OF CARDIGAN.]

The Lord Chancellor had to inform their Lordships that he had felt it his duty to hold a communication with Mr. Justice Bosanquet, who presided as senior judge at a recent sitting of the Central Criminal Court, upon a matter connected with certain proceedings which had taken place respecting a Member of their Lordships' House. He had received from Mr. Justice Bosanquet the following answer:—

"Montague-place, Jan. 28, 1841.

"My Lord—In answer to your Lordship's inquiry respecting the proceeding at the Central Criminal Court, in the case of the Earl of Cardigan, in October last: I have the honour to acquaint your Lordship, that an indictment having been found by the grand jury against the Earl of Cardigan for feloniously shooting, with a loaded pistol, at Harvey Gannell Phipp Tuckett, with intent to murder, to maim, and disable him, and to do him grievous bodily harm against the form of the statute in that case made and provided, Mr. Adolphus (as counsel for the Earl) moved the court to direct, that the recognizances of the Earl and his sureties for his appearance at the Central Criminal Court might be respited to the ensuing sessions, on the ground, that the Earl being a Peer could not be tried in that court, whereupon it was ordered, that the recognizances should be respited accordingly, to afford an opportunity of removing the indictment to be tried before a proper tribunal, either of the Lord High Steward, or of the House of Peers. I have further ascertained by inquiry of the clerk of arraigns, that similar orders have been made at each subsequent sessions for the respite of the recognizances. —I have the honour to be, my Lord, your Lordship's obedient servant.

J. B. BOSANQUET."

"The right hon. the Lord High Chancellor."

Their Lordships being thus, by the authority of the judge before whom the question arose, put into possession of a knowledge of the facts, it was for their Lordships to say, whether they thought it right, that the course which had been adopted in all similar cases should be adopted on the present occasion, and that

would be for their Lordships to appoint a committee to inquire into the course of proceeding which it would be proper for the House to pursue upon the information laid before them. If it should meet the pleasure of their Lordships, he would propose that a committee be appointed. He found, upon consulting the journals of the House, that the practice in cases of this sort had not been uniform. Sometimes Peers had been individually selected to form a committee, but in the majority of cases the committee consisted of all Peers who had attended during the existing session. This was the course adopted in the last case of a similar nature that came before that House. His Lordship then moved, that a committee be appointed, consisting of all Peers who had attended during the present Session, to inspect the journals of the House with respect to the trials of Peers in criminal cases, and to report thereupon.

Motion agreed to, Committee to meet on Monday.

CHURCH OF SCOTLAND.] The Earl of *Haddington* called the attention of the House to the unhappy dissensions that had so long prevailed in the Church of Scotland, and to the position in which the civil court and the church courts stood towards each other. He wished to ask the noble Viscount opposite whether it was the intention of Government to introduce any measure with a view to allay the prevailing heats and animosities, and to produce, as much as any legislative measure could effect that object, a settlement of the question; or whether, being satisfied with the existing state of the law, seeing no ground for alteration, and being determined that the law should have its full effect, and that those who obeyed it should receive protection, the Government thought it better to make no application to Parliament for any change of the law?

Viscount *Melbourne* entirely agreed with the noble Earl as to the great importance of this question. He could assure the noble Earl that Government had given the most serious consideration to the question, and having done so, he must say, that he was not prepared to bring in any measure at present to alter the law respecting the Church of Scotland.

The Earl of *Haddington* said, that as

the noble Viscount was disposed to leave the law as it stood, he wished to ask him if he was equally disposed to see the law effectually administered for the protection of those who were determined to obey it?

Viscount *Melbourne*: That is a matter of course.

The Earl of *Haddington* was exceedingly glad to hear the noble Viscount say so; but from the nature of the discussions that had taken place, and from all the circumstances of the case, he thought it was impossible that the question could be brought to a satisfactory termination without the intervention of Parliament.

House adjourned.

HOUSE OF COMMONS,

Thursday, January 28, 1840.

The House only met for the purpose of going in procession to Buckingham Palace, to present the Address to her Majesty, in answer to the Speech from the Throne.

HOUSE OF LORDS,

Friday, January 29, 1840.

DRAINAGE OF TOWNS.] The Marquess of *Normanby* begged to lay upon the Table a bill to which he would request their Lordships to give a first reading. He should feel it his duty, in a future stage, to call their Lordships' attention to the bill in detail, and he was sure their Lordships would readily give their attention, when they understood the nature of the bill, and when they were informed that it had for its object not only the social condition, but the bodily health of large classes of our fellow-subjects. The bill he proposed to be read a first time was entitled, "An Act for the better drainage and improvement of Buildings in large Towns and Cities." The commission which had been appointed to enquire into this subject had collected a great mass of information, which had been laid before their Lordships. At the conclusion of the Session, he had directed his attention to the evidence collected; in fact, he had read every word, and would strongly recommend the perusal of it to such of their Lordships as had not already bestowed their attention upon it, and for that purpose he would allow a sufficient period to elapse between the first and second read-

ing of the bill. He regretted to say, that at present there was by no means sufficient provision for the social comfort or health of great masses of the industrious classes in those localities which they necessarily inhabited; and although any remedy they might be able to apply might be only a palliative, and to a certain extent a preventive for the future, still he thought it was an imperative duty upon Parliament to apply themselves to this subject with the greatest zeal and diligence.

Lord *Ellenborough* was exceedingly glad that the noble Marquess had laid this bill on the Table. He had read the evidence with the greatest pain and apprehension, and with the greatest compassion for those who were compelled to inhabit the dwellings referred to, and he would certainly assist the noble Marquess in the progress of this bill, to the best of his ability.

Bill read a first time.

FROST, WILLIAMS, AND JONES.] Lord *Wharncliffe* said, he wished to put a question to the noble Marquess opposite, upon a subject which had caused, among the sound part of the population, very great excitement. Their Lordships would remember that, last year, three persons, Frost, Williams, and Jones, were condemned to death for high treason, and that their sentences were afterwards commuted to transportation for life. He could not describe the nature of the crime of which these men were found guilty, in better terms than those employed by the learned Chief Justice of the Common Pleas in passing sentence. That learned Judge used these words—

“In the case of all ordinary breaches of the law, the mischief of the offence does for the most part terminate with the immediate injury sustained by the individual against whom it is levelled. The man who plunders the property or lifts his hands against the life of his neighbour, does by his guilty act inflict in that particular instance, and to that extent, a loss or injury on the sufferer or his surviving friends. But they who by armed numbers, or violence, or terror, endeavour to put down established institutions, and to introduce in their stead a new order of things, open wide the flood-gates of rapine and bloodshed, destroy all security of property and life, and do their utmost to involve a whole nation in anarchy and ruin. It has been proved in your case that you combined together to lead from the hills, at the dead hour of night, into the town of Newport, many thousands of men, armed in many in-

stances with weapons of a dangerous description, in order that they might take possession of the town, and supersede the lawful authority of the Queen therein, as a preliminary step to a more general insurrection throughout the kingdom. It is owing to the interposition of Providence alone that your wicked designs were frustrated: your followers arrive by daylight, and after firing upon the civil power and the Queen's troops, are, by the firmness of the magistrates and the cool and determined bravery of a small band of soldiers, defeated and dispersed. What would have been the fate of the peaceable and unoffending inhabitants, if success had attended your rebellious designs, it is useless to conjecture; the invasion of a foreign foe would in all probability have been less destructive to property and life. It is for the crime of treason committed under these circumstances that you are now called upon yourselves to answer, and by the penalty which you are about to suffer, you hold out a warning to all your fellow-subjects, that the law of your country is strong enough to repress and to punish all attempts to alter the established order of things by insurrection and armed force, and that those who are found guilty of such treasonable attempts must expiate their crime by an ignominious death.”

It would be remembered that a technical objection had been taken in favour of the prisoners, respecting the delivery of the list of witnesses, and although the objection was overruled by the judges, still, in consequence of what occurred in connexion with that objection, the sentence passed on the prisoners was commuted. He begged to say that he did not find fault with the executive for not carrying the extreme penalty of the law into execution under the circumstances; but what he wished to know was, whether these men were now undergoing the punishment of transportation for life in the same manner as other prisoners sentenced to the same punishment for offences of a less heinous description. He was far from bringing any charge against the Government, he was merely anxious to obtain information, and upon that information it would depend whether he would bring any charge or not. After all that had passed on this subject, he thought that the people of this country had a right to inquire into the circumstances of the case, and to know the actual state of things. He first saw it stated, upon the authority of a newspaper of the country to which these persons were sent, that they had obtained favours, and even offices under the Government, instead of being treated in the usual way in which prisoners were treated. When he saw this statement he must say he disbe-

lieved it, and still continued to disbelieve it. A letter, however, had since been received, purporting to be written by Frost himself. This letter had been read by a son of Frost at a Chartist meeting at Bristol, which took place this month, and which was convened for the purpose of presenting a petition in favour of a commutation of the sentence on Frost. The letter, he ought to state, had been received with loud cheers. The first passage that attracted his notice was the following:—

“I am at Port Arthur, a place to which the very worst of men are sent, and where human misery may be seen to probably its greatest extent. I was not, however, sent here for what is called punishment. The governor told us repeatedly that we were not sent to Port Arthur as a punishment, but to fill certain offices.”

Now, he would ask, was not this extraordinary language for the governor to hold towards persons in the situation of these prisoners? He should like to know what could have induced Sir John Franklin to use such language. He was far from believing that Frost spoke the truth; but still those circumstances having excited general notice ought to be explained. The letter, after describing the treatment to which the writer had been subjected on his arrival at Van Diemen's Land, and the fact of the three prisoners being immediately sent to Port Arthur, contained these words:—

“It was intimated, I do not know how truly, that there were instructions from the highest authority, and that it was intended to favour us.

Now, he should like to know whether such instructions were really sent out? The letter stated that the three prisoners were sent to Port Arthur—that there they were not treated like the rest of the prisoners—that they were not required to put on the prison dress—that he (Frost) was employed in the office of the governor, and that another of the prisoners was an overlooker of the colliery. Now, he again said, that he did not place much reliance upon those statements; but the first question he felt inclined to ask was, whether those statements were true, and whether, in point of fact, they had been better treated than other prisoners? Secondly, whether any instructions had, in point of fact, been sent from her Majesty's Government upon the subject; and lastly, whether they had received any despatches

from Sir John Franklin? If the answer were that instructions had been sent to, and despatches received from Sir J. Franklin, then he would wish to see them before he formed a judgment upon the matter; but he thought that all their Lordships would agree that the thing ought not to be left in the state it was at present, and that the impression ought not to be allowed to remain that these men had been treated with favour after having had their sentence commuted. The public ought to be assured, the prisoners' guilt having been established, and the enormity of their crime not having been disputed by any body, that they would be treated in a manner that that crime deserved. At present, he made no charge against her Majesty's Government, but he would be most happy to hear any explanation that would be given.

The Marquess of *Normanby* said, that before he proceeded to answer the precise question put to him, he must say, that he felt sincerely obliged to the noble Baron for having read again the opinion of the learned Judge who passed sentence upon Messrs. Frost, Williams and Jones, upon the nature of their offence, and the enormity of their acts. He thought, however, that course was less necessary in the present instance, because, from the peculiar circumstances attending the conviction, the matter was discussed in that House last year, at the period when a determination was come to, on account of the nature of the conviction, not to carry into execution the extreme sentence, but to commute it to that next in severity. Upon that occasion he had had an opportunity of repeating, in the language of the learned Chief Justice, his own opinion of the extreme enormity of the offence of the parties—an offence not merely partaking in its worst form of the atrocious crime of high treason, but attended by many circumstances that gave it the character of deliberate murder on a large scale. Having said thus much with reference to the opinion he had then expressed, he now begged to state, that all he had heard since, all that he had seen and observed of the conduct of the people of this country, some portion of whom had been misguided by these individuals and others, tended to convince him of the justice of their punishment, and of the delusion that had been occasioned by the selfishness, the insane selfishness, of these individuals who had put themselves forward as leaders. His noble Friend asked him as he understood these questions;

and first, as to the actual state of information upon the subject, whether the report was true of these persons being employed by the governor, and no longer treated as convicts; secondly, whether any special instructions had been sent out on the subject of the treatment of these persons; and lastly, what communications had been received from the governor respecting the present state of information, he must recur to what took place subsequent to the condemnation of these persons. No time had been lost by her Majesty's Government in showing their determination to carry into effect that secondary punishment, which had been recommended as a substitute for the capital one. The circumstances were so recently in the recollection of the public, that it was almost unnecessary to recur to them. In February the Mandarin sailed from Portsmouth, and no special instructions of any kind were given as to the treatment. This he stated most positively. The usual code of instruction was rigidly adhered to; this had been definitively fixed in the year 1838, and narrowed the discretion of the governor; and, on the arrival of the prisoners at Van Diemen's land, it was utterly out of the question that the governor could give a ticket of leave, which amounted to the first step to a conditional pardon, until a certain time had expired. With regard to their having been allowed their own clothes, he really was not aware what the rule upon that subject was in the colony; but they had a letter from Frost himself to a friend in this country complaining that he and his companions were compelled to wear the ordinary convicts' dress upon the voyage, but which shewed that the Government at home had made no special relaxation on this subject. With regard to the treatment in the colony, he had a letter from Sir John Franklin, dated the 3rd of July, in which he acknowledged the arrival of 212 male convicts by the ship Mandarin, and that they had been placed in the penal gangs on the roads, with the exception of Frost, Williams, and Jones, who had been sent to Tasman's Peninsula. He believed it was usual for the governor personally to inspect all convicts on their arrival, and he was not aware that Sir John Franklin did more than was customary in the case of these prisoners. From the intelligence that had been received from Sir J. Franklin, it would appear that he made no distinction between these three convicts and the others, except sending them to a different place, and that place one that was looked to as the most severe

of the penal settlements. It was a common thing to send persons, who had on the voyage misconducted themselves, to Port Arthur, and therefore it was possible, when the governor conceived it right and prudent to separate these three convicts from the rest, that he might have said to them, that they were not sent to Port Arthur from any intention to inflict extra punishment. No special favour was shown, and neither were there any instructions to treat these convicts in a particularly harsh or unusual manner. As to the occupation of these persons, he had received no very distinct information on the subject; but he rather believed it was customary in some remote districts, where there was no possibility of furnishing an adequate number of clerks, to employ persons of a better style of education so act as clerks, and this person (Frost) being more accustomed to write than to dig, it was very possible that he had been so employed, still known as a convict, and without any emolument or reward. If such turned out to be the case, no doubt it was done by Sir J. Franklin, according to the usual and common course, and was not intended in the way of a favour. If it were intended as a favour, Sir John Franklin had certainly misconceived the intentions of the Government at home; and if it were out of the ordinary course, he would have reported it at once, among other things, in the despatch which he had forwarded to the head of the Colonial Department. That despatch he was prepared to lay on the Table of the House. He was glad that his noble Friend had given him an opportunity of correcting the misrepresentations that existed upon that subject in the public mind; and he could assure his noble Friend, that the Government was actuated by the same feelings as himself, and were most anxious to uphold the laws of the country, and to punish in the most severe manner a crime which had occasioned great loss of life, which endangered the tranquillity of the country, and which was a disgrace to that part of the kingdom in which it occurred.

Lord Wharncliffe wished to know whether the noble Marquess would have any objection to lay any further information which the Government might receive upon the Table.

The Marquess of *Normanby* had no objection whatever to do so. It was generally supposed that the same indulgence had been given to these parties as to other political offenders; but political offenders were of various degrees. It was to be

supposed that political offenders of every grade were to be treated with less rigour than other offenders; political offences were of various degrees, and he wished it to be understood that he did not consider the offences of these men came under the description of that class which ought to be treated with leniency.

Subject at an end.

House adjourned.

HOUSE OF COMMONS,

Friday, January 29, 1841.

MINUTES.] Petitions presented. By Mr. Humphery, from the Borough of Southwark, for the Erection of a New Street leading to Blackfriars Bridge.—By Mr. Easthope, from Leicester, for the Abolition of Church Rates, and the Discharge of Mr. Baines.—By Mr. O'Connell, from the Bricklayers of Dublin, for a Repeal of the Legislative Union.—By Captain Winnington, from Worcester, for the Introduction of a Bill for the Improvement of the Navigation of the River Seven.

ANSWER TO THE ADDRESS.] The *Speaker* reported that the House had yesterday attended her Majesty with the Address, to which her Majesty had been pleased to return the following most gracious answer:—

“I receive with great satisfaction your loyal and affectionate Address. I thank you for your congratulation on the increase of my domestic happiness. I shall not cease to direct my earnest attention to every measure which may tend to the advancement of the public welfare, and the maintenance of the peace of Europe.”

PRINCE ALBERT AND REPEAL.] Captain *Polhill* wished to ask the noble Lord, the Secretary for the Colonies, if he was aware of a letter addressed to “B. M. Rae, Esq.,” and dated from “Buckingham Palace, January the 20th, 1841,” and signed “G. E. Anson,” returning thanks, on the part of Prince Albert, to the “Loyal Repeal Association of Ireland,” for their address of congratulation on the birth of the Princess Royal. He wished to ask the noble Lord whether he was aware of such a letter having been written?

Lord *John Russell* said, he was not aware of such a letter having been written. He had never heard of it until it was mentioned by the hon Gentleman.

Captain *Polhill* then gave notice that he would repeat the question on Tuesday next, when he hoped the noble Lord would be prepared to say whether the letter was genuine or not.

Lord *J. Russell* said, that if the hon. Gentleman gave notice of any question as to any act done by the advice of her Majesty's Ministers, he would be prepared to reply. But he could not undertake to be so prepared in reference to any act done by Prince Albert.

Subject dropped.

COPYRIGHT.] On the Motion of Mr. Sergeant *Talfourd*, the Order of the Day for the Adjourned Debate on the Copyright Bill having been read,

Mr. Sergeant *Talfourd* said, he would, with permission of the House, detain them for a few minutes on the question. He thanked the hon. Member for the opportunity he had given him of offering some explanations to the House, though he should not enter into the discussion of the merits of the case. He would simply call to the recollection of the House an outline of the history of the bill. He had, on five different occasions, moved for leave to bring in that bill, and it had been so frequently opposed, that it must have received ample attention from the House. It had received the sanction of considerable majorities. On one occasion more than three hundred Members had recorded their votes on the subject, and he found that there had then been a majority of nearly two to one in favour of the principle of the measure. Under those circumstances he would appeal to the House whether he were not justified in abstaining at that stage of the question from entering into any discussion of the merits; and whether he had not a fair, a just, and a Parliamentary claim to move that the bill should be introduced for the purpose of receiving their consideration. The bill had also been the subject of numerous petitions from both sides of the House and he might say from almost all the great ornaments of our literature. When he coupled with the presentation of those petitions the support which the measure had received by the votes of the House, he could not help thinking there was sufficient reason why the Motion he was making should be granted, and why it should be followed by the introduction of the bill into the House. It was rather remarkable that notwithstanding the zeal—and, he was sure, the honest zeal—with which his hon. Friend had opposed the bill, he had never consented fairly to take the sense of the House on the subject on its first introduction. On the contrary, his hon. Friend had been

present on two former occasions, when he brought in the measure, though he had not sought to prevent its being laid before the House. He thought he would be doing injustice to those whose interests he advocated, if he consented to have the measure discussed at that early stage. He would simply call on the House to allow him to bring in his bill as a matter of justice which he could fairly claim, and he trusted the House would recognize that claim, and that the Motion for leave to bring in the bill, if opposed by his hon. Friend, would be carried by a large majority.

Mr. *Warburton* had expected that the hon. and learned Gentleman would have stated whether the bill which he now wished to introduce was of the same character, and contained the same provisions, as the bills which he had introduced on this subject in former Sessions.

Mr. Sergeant *Talfourd* had, he thought, explained the other evening that the bill was in all respects similar to that of last Session.

Mr. *Warburton* was then to understand that the bill was of a precisely similar character. The hon. and learned Member had alluded to the support which that bill had already received, and the majorities by which it had been carried on the second reading. What he complained of, as he had stated the other night, and which he was happy again to state in the presence of more than one Cabinet Minister, was that when the measure had been before introduced, either on its introduction or on its second reading, Cabinet Ministers or the Attorney-General or Solicitor-General had said that they were entirely opposed both to the principle and the details of the bill, but that they thought it uncivil to the hon. and learned Member not to allow him to introduce his bill, and that therefore they should vote for the second reading, in order to allow the hon. and learned Gentleman to get his bill into committee, in order that the details of it might be considered; and on that principle, not on the merits of the bill itself, the hon. and learned Gentleman had obtained the great majorities to which he had alluded. Now he had certainly expected the presence of those right hon. and learned Gentlemen when the bill was in committee, but so far from that, when the bill had come into committee he had been left to fight the battle single-handed. But he believed that on any occasion when the bill came

to be fully considered the hon. and learned Gentleman would find that the great majority in that House was against him; therefore he contended that he had been unfairly treated, and therefore he hoped that what had occurred in former years would not be likely to happen again. The hon. and learned Gentleman had stated that he considered himself unfairly treated by his (Mr. *Warburton's*) opposing the bill at the present stage; but he begged to remind the hon. and learned Gentleman that except on the last occasion, a discussion had always taken place on his moving for leave to bring in his bill. There was no division upon his moving for leave to bring in that bill, but there was a discussion upon it; he recollected the attendance of Members that took place upon the nights which the hon. Member had chosen for going on with the bill; they were either just after Easter, or upon the Derby day, when it was certain there would be few, if any, Members present. Now, he had chosen a night for his opposition to the measure when it was almost certain there would be a full attendance, and therefore he thought the hon. and learned Member had no right to complain of the course he had adopted. At the outset of the present question the hon. and learned Member and himself were completely at issue. The hon. Member stated that the following was the principle upon which he founded his defence of the bill, namely, that it was to prevent an unwarrantable encroachment on the natural rights of property which every man had in the productions of his own mind; and that when it was considered that all other property was placed under the safeguard of the law, the same protection should be extended to those works of genius which enlightened the community, exalted the national character, and added to the powers and resources of the country. The principle the hon. and learned Member set up was the inherent right in every man to his mental labour, that he thought antecedent to all other considerations, so that in short the principle was, that whatever a man produced by his own hands and his own mind was his, and his only. He did not acknowledge such a thing as natural rights. He only acknowledged rights growing out of convenience and general expediency. He did not confine himself to simply denying the existence of these rights as a proposition; but he would say that he could not acknowledge this *Wat Tyler* doctrine, that

whatever a man produced by his own hands was his, and his alone. Suppose he applied that doctrine to the general production of men's labour, what would be the consequence? Why, there would be no such thing as taxes—no such thing as rent—no such thing as interest for money. Men who cultivated the fields did not receive the profits of their own labour. In short the matter did not admit of a moment's consideration. All the profits of labour were to be considered in the light of a question of expediency. In every case it was expediency that governed the disposal of those profits. Take the French law of inheritance. In that country, a man even at his death, could not dispose of property solely as he desired. In other countries the laws interfered more directly, especially in the disposal of literary property. There they were entitled to interfere with the author's right, even before the first publication, and that arose from a far different view of the question being taken than was now sought to be established. The doctrine of giving all the profits of their mental labour to authors could not, he insisted be admitted for a moment. It was that position of antecedent natural right which authors had to the production of their own labour, that was the foundation of the opinions laid down by the judges before the House of Lords upon the question of copyright. It was also the foundation of the opinions of the Judges in the cases reported in Fuller's Report. Not once had the judges who said there was a Common-law right to literary property antecedent to the statute of Anne, pretended to say they could found that position on any previous decision which had taken place in the courts of justice. Mr. Justice Gascoigne said, "Our Common-law has its foundation in private justice, moral fitness, and public convenience," and it was on that doctrine and not on precedent that the judges laid down the Common-law on the subject. The judges and the hon. and learned Member were therefore at issue, their determination of the Common-law right being founded solely on expediency. Therefore it was on the ground of expediency alone the subject ought to be considered. The question had been brought before the French Chamber of Peers, and two reports had been made on the subject, and this antecedent natural right which the hon. and learned Member advocated

had been set up, but he (Mr. Warburton) was glad to find that the Minister of Public Instruction had abandoned this ground, and founded his plan solely on the question of expediency. This being the case, it was on the question of expediency this question must be argued, and in considering the question of expediency, they must consider the interest of authors, the interest of publishers, and the interest of the public. In considering the interest of authors, they were bound to consider what was their interest under the present law. The present law gave authors a copyright in their works of twenty-eight years certain from the time of publication, and if an author lived longer than twenty-eight years he had a copyright during the remainder of his life. This the hon. Gentleman did not think sufficient. The hon. Gentleman would not, like him, consider the interests of the public collectively, but those of authors alone. He was ready to admit there might be inconvenience in certain cases under the present law, such for example as the case of an author having prepared a new edition of his work with improvements, and dying before publication, but he would in such cases give a further term of copyright for five years, to give the improved edition priority of publication to reprints of the old edition of the work by publishers generally, but this also would not satisfy the hon. and learned Gentleman. Authors were not contented with five years, or with thirty years, as was the case in Prussia, and in the proposed new law of copyright in France, but the hon. and learned Member said, that they must have sixty years after the author's death, and nothing less would satisfy them. Various other amendments had been proposed in committee, but nothing less than sixty years would satisfy the hon. and learned Gentleman. The present copyright lasted for twenty-eight years at least; at what were they to estimate the additional term of the author's life and the sixty years which were proposed now to be given? Why, at the most moderate estimate, from eighty to ninety years at least must elapse before the copyright would revert to the public. It would be eighty or ninety years at least before they would give to the public the inestimable advantage which must be derived from the free publication of works. When the question had been last discussed, the right

hon. and learned Member for Ripon, had very properly characterized the hon. and learned Gentleman's bill as tantamount to a perpetual copyright, and how could it be considered otherwise, when they recollected what a small number of works would be worth republication after a lapse of ninety years? But suppose they conceded to the hon. and learned Gentleman and his supporters the present measure? Would that satisfy them? In accepting sixty years they say that they are still subjecting the author to injustice by depriving him of a perpetual copyright; but that was not all, for he found from the work of the American author to which he had before alluded, that it was not a mere copyright that would satisfy them. He claimed, besides the exclusive right of multiplying copies, the exclusive right of reading works. That author said that it might become an important question, whether the purchaser of a book had a right to assemble multitudes together to read to them the contents of a work unaccompanied by protection to the copyright. Therefore if they once opened the door to this claim of copyright there was no knowing to what extent its supporters might carry their fantastic notions of exclusive right as well to reading as to multiplying copies of a work. He would next come to the effects which the proposed law would have on the interests of authors themselves. He found a passage in a report of the Minister of Public Instruction in France, to the Chamber of Deputies, in which he very properly stated the extension of copyright beyond a moderate term of years would be attended with effects injurious to authors themselves in the highest and most elevated view that could be taken of the subject. It would injure them in this particular, that it would afford great facilities towards the suppression and mutilation of their works. That was not an imaginary evil—it was one which had recently occurred in an edition of the works of one who, like the Mover of the bill, was himself a distinguished poet. A similar event had taken place in the case of the poem of Joan of Arc, which, in the recent edition published by the author, was given to the public with many suppressions. And yet by the proposed bill all the passages of that work could not appear for a period perhaps of ninety years in the form which would be most

acceptable to the friends of liberty. The bill would, therefore, enable the descendants of authors to prevent the public from reading works of genius. An hon. and learned person, Sir James Dalrymple, who was counsel for the defendants in the Scotch case before the House of Lords, had characterised the Licensing Act as "a base compromise between publishers having regard to their interests, and the Court having a view to politics." Did they never know suppression take place from political motives? An illustration of this was found in Mr. Pepys's work, from which it appeared, that some religious works of Milton, which were in the hands of Elzevir, the printer at Amsterdam, were suppressed. The publication of any religious opinions of Milton was considered so likely to be dangerous to the interests of the crowned heads of that day, that the matter became the subject of a correspondence between Mr. Secretary Williamson and Elzevir, and the result was that the works were then suppressed. Various arguments had been adduced on former occasions by the hon. and learned Member to show that the bill introduced would not only be favourable to authors but to their descendants, so that if his Copyright Bill had existed years before, Milton's *Paradise Lost*, or Shakspeare's works might have been suppressed. He (Mr. Warburton) had endeavoured to show that the greater part of authors were either necessitous, or were not acquainted with the value of their works. But he believed the generality of literary works were disposed of with considerable advantage to authors themselves. The term of years during which copyright, under the existing law, existed, was twenty-eight years. During that period the author might improve the first edition, and suppose at the expiration of that time, namely, the first twenty-eight years, the author would have an exclusive right to the work, the term would be extended to fifty-six years. Now, suppose thirty years were allowed for the life of an author, and the above period of fifty-six years were added to that time, the right would be extended to eighty years. Now, the works of the present day were of the most flimsy character, generally speaking, and few were of such a character, that after the expiration of fourteen years, would fetch anything like a good price in the market.

Authors did not now-a-days labour as of old to compose works that would be handed down to posterity. They seldom produced works that would merit a reward being given to them at the age of eighty-five years, and unless they did, the question of copyright should be adjusted in a far different way than was now sought. They had the reports of former years, in which publishers informed committees of the House that works, as they were generally penned, were not in circulation for more than from fourteen to twenty years. Having said thus much he would only say a few words on the interest of the public. This was an interest the hon. and learned Gentleman entirely repudiated and disclaimed, at least so he was given to understand. But as an illustration on this point, he would refer to the monopoly of printing the Bible. If ever there was a work of which the sale ought to be extensive—if ever there was a work which ought to be afforded to the public at the cheapest possible rate, with the least portion of profit, it ought to be so in the case of the Bible, the monopoly of which was in the hands of the Queen's printer, and the Universities. He had read the statements of those gentlemen who had advocated the doing away with the monopoly, as well in England as in Scotland; and from those statements he found that they would reduce the present cost of publication, by a very large percentage; and he took that as a conclusive example that the granting the monopoly of publication, was not likely to cheapen the price of works. Therefore, as a friend to the public, wishing that after a fair remuneration had been given to the author which was secured to him by the present law, these works should be given to the public at those moderate prices which free competition ensured, he opposed this measure of the hon. and learned Gentleman as unjust and injurious. He implored the House to consider that if they suffered this bill to pass, vested interests would arise under it, which would render it impossible for them to retrace their steps, unless they went to the enormous expense of buying up all existing copyrights, as if it were law for only a single Session, legal settlements would take place on copyrights, in the same manner as on land, or any other description of property, which would render it impossible for them ever again to

stand on the ground which they now occupied. For these reasons he should oppose the motion.

Mr. *Hume* wished to say, that he considered he was doing an act for the benefit of the public at large, in opposing the introduction of the bill. He agreed with his hon. Friend, that the period to which the privilege of copyright should be extended, was a matter for the most serious consideration. But when he looked to the profits which authors had heretofore derived from their labours, he considered the monopoly they at present enjoyed as amply remunerating. The proposed bill would increase the difficulties of acquiring knowledge, and thus seriously injure the community. When the publication of Bibles was confined in Scotland to certain printers they were forty per cent. dearer than they were now that the monopoly had been abolished. For these reasons he hoped that the House would not countenance the introduction of the measure.

The House divided:—Ayes 142; Noes 30:—Majority 112.

List of the AYES.

Ainsworth, P.	Corry, hon. H.
Ashley, Lord	Cowper, hon. W. F.
Baillie, Colonel	Darby, G.
Baring, rt. hon. F. T.	D'Eyncourt, rt. hon.
Barnard, E. G.	C. T.
Barrington, Viscount	Dick, Q.
Basset, J.	D'Israeli, B.
Bentinck, Lord G.	Divett, E.
Berkeley, hon. C.	Donkin, Sir R. S.
Bewes, T.	Dunbar, G.
Blackburne, I.	Eaton, R. J.
Blakemore, R.	Eliot, Lord
Bodkin, J. J.	Elliot, hon. J. E.
Boldero, H. G.	Ellice, Captain A.
Botfield, B.	Estcourt, T.
Broadley, H.	Feilden, W.
Broadwood, H.	Fector, J. M.
Brodie, W. B.	Fenton, J.
Brotherton, J.	Filmer, Sir E.
Brownrigg, S.	Fitzroy, hon. H.
Bruges, W. H. L.	Fort, J.
Buck, L. W.	Fortescue, T.
Buller, C.	Fremantle, Sir T.
Buller, Sir J. Y.	Gaskell, J. M.
Bulwer, Sir L.	Gladstone, W. E.
Burdett, Sir F.	Glynne, Sir S. R.
Burr, H.	Gordon, R.
Busfield, W.	Gore, O. J. R.
Calcraft, J. H.	Goulburn, rt. hon. H.
Canning, rt. hn. Sir S.	Graham, rt. hn. Sir J.
Chalmers, P.	Grey, rt. hon. Sir C.
Chichester, Sir B.	Grey, rt. hon. Sir G.
Cholmondeley, hn. H.	Grimsditch, T.
Clive, E. B.	Halford, H.
Clive, hon. R. H.	Hamilton, Lord C.

Handley, H.	Pigot, R.
Hardinge, rt. hon. Sir H.	Planta, rt. hon. J.
Harland, W. C.	Plumtre, J. P.
Herries, rt. hon. Sir C.	Ponsonby, hon. J.
Hinde, J. H.	Power, J.
Hodgson, R.	Pringle, A.
Hope, hon. C.	Rawdon, Col. J. D.
Hoskins, K.	Redington, T. N.
Howard, F. J.	Rice, E. R.
Howard, hn. C. W. G.	Round, J.
Hughes, W. B.	Russell, Lord J.
Hurt, F.	Sanford, E. A.
Irton, S.	Seymour, Lord
Irving, J.	Shaw, right hon. F.
Kemble, H.	Sheppard, T.
Knatchbull, right. hon. Sir E.	Shirley, E. J.
Knight, H. G.	Smith, R. V.
Litton, E.	Somerset, Lord G.
Lockhart, A. M.	Stanley, hon. J.
Lowther, hon. H. C.	Stanley, Lord
Lygon, hon. Gen.	Steuart, R.
Mackenzie, Wm. F.	Stuart, W. V.
Mackinnon, W. A.	Stock, Dr.
Mahon, Viscount	Strickland, Sir G.
Marton, G.	Tancred, H. W.
Milnes, R. M.	Tufnel, H.
Morpeth, Viscount	Turner, W.
Morris, D.	Verney, Sir H.
Murray, A.	Villiers, Viscount
Neeld, J.	Waddington, H. S.
O'Connell, D.	Wilshire, W.
O'Connell, J.	Winnington, Sir T. E.
O'Connell, M. J.	Wood, Colonel
Ossulston, Lord	Yorke, hon. E. T.
Packe, C. W.	Young, J.
Parker, M.	
Peel, rt. hon. Sir R.	TELLERS.
Perceval, Colonel	Talfourd, Mr. Serjeant
	Inglis, Sir R. H.

List of the NOES.

Blake, W. J.	Salwey, Colonel
Duncombe, T.	Stansfield, W. R. C.
Ellice, E.	Strutt, E.
Gisborne, T.	Style, Sir C.
Greg, R. H.	Thornely T.
Holland, R.	Villiers, hon. C. P.
Humphery, J.	Wakley, T.
Leader, J. T.	Walker, R.
Lushington, C.	Wall, C. B.
Muskett, G. A.	White, A.
O'Brien, C.	Williams, W.
O'Brien, W. S.	Wood, B.
O'Connell, M.	Yates, J. A.
Pattison, J.	
Pechell, C.	TELLERS.
Protheroe, E.	Warburton, H.
Pryme, G.	Hume, J.

Leave given, the Bill brought in and read a first time.

POOR-LAW COMMISSION.] Lord John Russell rose, pursuant to notice, to move for leave to bring in a "Bill to continue the Poor-law Commission for a time to

be limited, and for the further amendment of the Laws relating to the Poor in England." He did not feel it to be necessary to go into any general statement upon the present occasion, the House having formerly not merely sanctioned the principle of the measure, but passed, last Session, two other bills, in order to continue and extend its operation, the one to continue the Poor-law Commission till the close of the present Session of Parliament; the other embracing certain amendments, chiefly for the purpose of facilitating the measures of the commissioners, and extending the operation of the bill, by enabling them without the consent of the guardians to unionize the parishes which were under what was called Gilbert's Act. Clauses very nearly to the same effect he proposed to introduce into the present bill. He proposed in the same bill to introduce clauses to continue the Poor-law Commission, and as they had exercised their powers most beneficially to the public, as the Government considered their services not only of essential benefit, but necessary to the continuance of the system, he proposed that their powers should be continued for ten years. With these observations only, he begged leave to move for leave to bring in "A Bill to continue the Poor-law Commission for ten years, and for the further amendment of the Laws relating to the Poor in England."

Mr. Grimsditch could not suffer that opportunity to pass without entering his protest against the unconstitutional character and tendencies of this bill. Its great principle was to govern by unions, and to place enormous powers in the hands of an irresponsible and most objectionable body. When the measure was first introduced, it was distinctly stated by Lord Althorp, that the powers of the commissioners (which he admitted were of an unconstitutional character) were vested in them merely for a temporary purpose, and not only should not be continued beyond five years, but he understood the noble Lord to go the length of giving a pledge, that no attempt would ever be made to renew the commission. [Lord John Russell: No, no.] The noble Lord dissented; perhaps he knew better what Lord Althorp meant to say, and he was not disinclined to defer to anything which fell from the noble Lord upon that point. His opinion, however, was diametrically the reverse of the noble Lord's with

reference to the administration of the law by the commissioners at Somerset House. So far from having acted satisfactorily, and for the interests of the public, he believed their acts had introduced confusion into almost every union in the kingdom. Their unions were all too large. In fact, it would be impossible to work out such unions at all in the north of England. He could point out many instances in which the system, most unnecessary he maintained in all cases, had created great discontent, the burdens on the public being augmented, while the condition of the poor was worse than before. It was impossible to conceal the dissatisfaction that existed with reference to the dietary lists of the workhouses. The newspapers were filled with the accounts of oppression inflicted on the unfortunate inmates, and, as the result of inquiries called for by public opinion, a master of a workhouse had been convicted of an assault in the enforcement of punishments never before heard of. But, with respect to the impracticability of the system, he would adduce a single instance—the Macclesfield union. It consisted of forty-two townships, extending over an area of 60,000 acres, with a population of 70,000. It was governed by fifty guardians, of whom eleven only were returned for Macclesfield and the adjoining townships constituting part of the parliamentary borough, their population being upwards of two-thirds of the entire union, some rated at 1,000*l.* a-year, a great many at 500*l.*, and a very large number at from 100*l.* to 200*l.* In the memorial lately addressed by the town of Macclesfield to Somerset House these things had been represented to the commissioners, in order that the union might be dissolved and reconstructed within a more reasonable and practicable compass. But the commissioners would not interfere. The answer they returned was evasive. It was impossible that those unions could work in the north of England. In the union to which he had adverted, there were no less than 3,000 paupers on the books. Some parts of the union were situate more than ten miles from the central point where the guardians met. In some parts no guardians could be had to work without being paid for their attendance, and by some contrivance there was actually a number of farmers who were paid guardians. They positively outnumbered those to whom the proper management of the law should be intrusted. While the well-meaning, but really ignorant, were allowed to swamp the

intelligent and high-rated, it would be impossible satisfactorily to work those unions. With respect to the bill, he could not help thinking that the Government would have to regret the step they were now taking. There was much discontent in the country, and he regretted to see it had been fanned almost into flame by the working of the New Poor-law. He was satisfied they would increase rather than diminish that feeling by this measure. Why should powers of so extensive and dangerous a character be given to persons like the commissioners? Why was the country to be overrun by their assistant commissioners? He understood the Act of Parliament had limited the number, but they had doubled it. Under these circumstances he must protest against the motion of the noble Lord. If the bill to be introduced should contain clauses for relaxing the severities and ameliorating the operation of the New Poor-law Act, he should hail the amendment with much satisfaction; but if they proposed to abide by their principle and attempt to carry out the law by a system of unions, they might depend upon it a fair trial would never be had for it so long as they intrusted such obnoxious and irresponsible powers to the commissioners—too vast and dangerous even for a Secretary of State to possess; and which, judging from their acts, they had used so badly for the interests of the public.

Mr. Wakley wished to know if it was the intention of the noble Lord to introduce two bills? He should have thought, that the noble Secretary would have submitted two motions. There could be no objection to an amendment of the existing Poor-laws. He was sure the House and the country desired such an amendment. But then there was another proposal annexed to this—that the Poor-law Commission should be continued ten years. He believed that proposal of the noble Lord would not receive the sanction of that House. Assuredly it would not receive the sanction of the public. He would, therefore, really submit to the noble Lord, if he wished to take the sense of the House fairly on this question, that he should divide his bill into two parts, obviously prescribed by the nature of the question—the one to amend the law, the other to continue the commission. He had expected that the noble Lord would not content himself with making so brief a statement as he had submitted to the

House on a subject of such vast national importance. He did expect they would have heard on that occasion a full development, as far as the noble Lord could make it, of the effects which the existing law had produced on the interests of the people, together with such statistical data as should have satisfied the House of the necessity of the changes proposed; but, so far as the leader of the House was concerned, they were left in utter ignorance both as to its operation and the necessity of some changes in the bill. He for one had to repeat his hope that the noble Lord would not object to put his proposition in two parts—founding a separate motion on each—the one to continue the Poor-law Commission, the other to amend the present law; but if the noble Lord declined to adopt that suggestion, he for one, in assenting to the introduction of a bill for the amendment of the present law, begged most distinctly and unhesitatingly to declare that he should oppose the other object in all its stages. The commissioners had failed in giving satisfaction to the public. It was considered to be an useless institution, and a most expensive one. He believed the people would not grudge the expense if they believed the institution was necessary to the poor; but the law was regarded as a harsh and inhuman law. It was considered to be a law unsuited to the charitable and kindly disposition of the people of this country; and he was amazed that a Ministry calling itself reformed, relying for support on the good wishes of the people, should propose the continuance of such a law after the experience they had had of its pernicious, and in his opinion, most cruel working. It had the effect of taking from the people the administration of their own affairs in matters most deeply affecting their own interests, depriving them of the means of applying their own money to the relief of the necessitous in their own neighbourhoods. Was the noble Lord prepared to show the necessity for the continuance of the commission? He really was anxious to learn what it was that the commissioners were to effect. Was the law to be in the will of the commissioners? Or was the law to be on the statute-books of the realm? If the Poor-law of the country was to be a recognized well-understood law—a law upon well-defined and intelligible principles, it might easily and safely be well administered; but if it were only

to be an appeal from the cruel disposition and tyrannical decrees of a board of guardians to the commissioners at Somerset-house themselves, creating whatever laws they thought fit—if such was the unconstitutional mode of governing the poor, the sooner the system was got rid of the better. It was a most despotic creation of authority, constituting Somerset-house more powerful than any authority which even that House could exercise. He held in his hand a small book, which he had obtained a short time since from Somerset-house, entitled *Amended Workhouse Rules*. Heaven only knew what the rules were before, which these were intended to amend; but what did he find under the head “Discipline and Diet of Paupers?” He believed it was generally admitted, that in our gaols no severer punishment could be inflicted than the silent system. Our criminals complained that they were cruelly and unjustly treated by being subjected to the operation of the silent system. Was the new law to enable the commissioners safely to carry out the silent system in the workhouses? He did not know whether the noble Lord was aware of the nature of the document he held in his hand. He ought at least to have been put in possession of it. The information should have been communicated to the noble Lord before it was brought into operation with reference to the public. There was a provision in the Poor-law Amendment Act, which required that every general rule, when made, should be submitted to the Secretary of State before it obtained the force of law. But, in order to evade the responsibility and inconvenience of such criticism in every instance, a particular rule, as it was called, was made for each particular union, and thus no general rules were submitted to the Secretary of State with reference to the government of the workhouses. What, then, said the “amended” regulation he held in his hand? It stated, that

“All paupers in workhouses, except the sick and those of the first, fourth, and seventh classes, shall rise, be set to work, leave off work, and go to bed at the times mentioned in a subsequent table marked A, and be allowed such intervals for their meals as therein stated; these several times shall be noted by the ringing of a bell, and during the time of meals silence shall be maintained.”

They were to be kept to work all other

hours, but at meal times, even in the workhouse, silence was to be observed. Here, then, was the introduction of that system which was regarded as most penal when experienced by our criminals in the professed administration of relief to those unfortunate beings who stretched out their hands for alms in the hour of sad necessity. Was it, then, to enforce regulations of this kind, that the Poor-law Commission was continued? And if it were not to enforce such regulations, why, he asked, was the country to be saddled with such an expensive machinery? He, for one, saw no necessity for the continuance of the commission; if he did, in the remotest degree, he would be one of the first to support it, for nothing could be more desirable in a country boasting of its civilization than to make adequate provision for the due administration of the law with reference to the poor. But when it was proposed to inflict on those individuals in the workhouse the same species of punishment inflicted upon, and most dreaded by, criminals in our gaols, he must say the law wanted humanity for its principle, and discretion for its guidance. In the office he had the honour to fill, he had ample opportunities of witnessing the operation of the law. He had most ample opportunities of knowing what were the feelings of the middle classes of society in relation to it. He met the middle classes of society in large numbers almost every day of his life. He scarcely found one out of ten approve of the operation of this law. The feeling against it was universal; it was increasing in force; it was deep-rooted; it was not to be shaken. One and all contended that there was no necessity for such a law; one and all asked why such a law was enacted, unless to drive the poor from making any application at all to the workhouse, rendering it a scene of apprehension and torture, rather than a place for the administration of relief. He knew of two instances occurring in one week, of persons who preferred death rather than go into the workhouse. They declared they would rather die than be separated from their children in the manner proposed by the New Poor-law, and they did die rather than go into the workhouse. What was the humane system of classification of paupers adopted in the Kensington union? The parish consisted of 40,000 persons; but that was not considered large enough

to form one local government, and it was formed into an union consisting of 120,000, so that the poor had to travel miles and miles, from Kensal-green to Kensington, for instance, before they could apply to the workhouse. There was no workhouse in the parish of Paddington. In one instance a remarkably fine child, twelve months old, having been exposed at the door of a house in the Edgware-road, was found by a policeman, who took it to the station-house. It was still alive, and stretched out its hands to play with a dog. It was then capable of laughing. It was in the first week in December. The policeman took two hours to find his way to the workhouse, and the child died. The verdict was, "Died from exposure to cold;" and, as the jury considered that the mother had exposed the child for the purpose of killing it by the cold, they returned a verdict of wilful murder against her. Her unnatural conduct was no doubt influenced by the cruelties she would have been exposed to in the workhouse. Such a law was not to be endured. Those who thought the country would become reconciled to such acts of inhumanity and cruelty were utterly deceived in their estimates of the English character. He entreated the House to pause before it sanctioned the renewal of the commission which had done so much violence to the feelings of humanity. How were the paupers classed in the Kensington union? There was separation with a vengeance. The fathers of families were at Kensington, the mothers at Chelsea, the daughters at Fulham, and the sons in the parish of Hampstead. Fathers, mothers, sons, and daughters, located in four houses in different parishes! Before the House consented to the introduction of a bill to continue the commissioners, he thought the noble Lord ought in justice to state, for the satisfaction of the public, whether their authority would, in future, be exercised as it had been up to the present time. He wanted to know whether the softening hand of kindness was to be applied to the new bill, or whether it would exhibit all the odious, harsh, un-English features of the old law? Most anxious as he was to see the existing law amended, no one could be more strongly opposed to the continuance of the commission; and, if the latter provision were insisted on as a part of the bill, he sincerely hoped it would not be enacted into a law. He trusted that the

amendments would tend to soften the asperities and cruelties of the existing system; then he should hail its progress with delight and satisfaction. But if, on the other hand, the commissioners were to be continued in the full exercise of their authority, and made the scapegoats of all the guardians in the country who desired to act with cruelty to the poor, he would, with all his might, oppose its introduction and its progress in every stage through that House.

Mr. *Hind* said, he could not agree with the hon. Member for Finsbury, that the proceedings of the Poor-law Commissioners had been altogether characterized by harshness and cruelty, but he did agree with him that before the noble Lord called upon the House to continue the powers of the commissioners he ought to show some ground for the continuance, and give some reason why the further administration of the Poor-laws could not be intrusted to persons locally interested. When first the Poor-law Amendment Act came into operation, it was necessary that very large discretionary powers should be given to the commissioners, but that necessity, he thought, did not now exist. The course that should be taken now was this:—The rules and regulations which had been laid down by the Poor-law Commissioners, should be reported to the House and examined into. Such as were deemed necessary and proper might then receive the sanction of Parliament by an express vote in both Houses, and be placed on the statute-book; while those which were objectionable (and he believed there were many of that description) could be expunged and annulled by the same authority. He hoped that those hon. Gentlemen in the Opposition who had supported the Government on this question would not continue that support unless adequate reasons were given by the noble Lord, for prolonging the extraordinary powers of the Poor-law Commissioners. He would conclude by asking the noble Lord, whether it was his intention to continue, not merely the powers of the Commissioners at Somerset-house, but also that vast and expensive machinery, the sub-commissioners, who were dispersed all over the country? He asked that question because it was the intention of the House at the time, and, he believed, of the Government also, that the object of appointing sub-commissioners

was to facilitate the division of the country into unions, and effect that preliminary organization throughout the land which was thought necessary for the due administration of the law. If that great object, however, had not been entirely carried into effect, he should not oppose the further continuance of the powers of the sub-commissioners for a limited time, say for a year or two. But when the noble Lord talked of ten years, he must confess that he regarded such a proposition as an attempt to perpetuate the system; and he warned the House, that if they passed the bill for extending the powers of the Poor-law Commissioners for ten years, they would, in fact, be rendering permanent a vast expense to the country.

Captain *Pechell* expressed his approbation of the observations which had fallen from the hon. Gentleman who had just spoken, and those which the hon. Member on his right (Mr. Wakley) had addressed to the House. But, at the same time, he must say, that he did not find fault with the noble Lord for omitting what those hon. Gentlemen desired to know. The noble Lord had stated quite enough to alarm him. He referred to the provisions in the new bill for putting down the corporations under Mr. Gilbert's Act, and annihilating Local Acts under which many towns were governed. Armed as he had been with petitions and remonstrances against any such inroad upon the Gilbert unions, he must protest against the proposition of the noble Lord, for he believed that it was impossible to find any fault in them, and therefore it was impossible to amend or improve them. The only objection to them was found in the jealousy of the Commissioners, who regarded them as so many blanks, or rather blots, in their map, interfering with their new unions. Now, he did not wish to oppose the introduction of the bill, or of any amendment the noble Lord might think proper to bring forward, but he hoped that those parts of the bill affecting the Gilbert unions, and the local acts governing parishes, would be omitted.

Mr. *Darby* said, he was not quite sure that he could agree in the recommendation of the hon. Member for Finsbury, that the noble Lord should divide his bill into two bills, because he was afraid in that case that the noble Lord would carry the bill for the further continuance of the power of the Commissioners for ten years,

and that the other bill, for amending the present law, would then be lost sight of altogether. He hoped, therefore, that when the noble Lord obtained leave to bring in his bill, he would have it printed and circulated without delay, and give an early notice of the second reading, in order that hon. Members might have an opportunity to consider its various provisions.

Sir C. Grey observed, that the old Poor-law had been proved to be a bad law, if not in principle, at least in practice, by a majority of reports from all quarters of the country, while the system now in existence, whatever faults might be imputed to it, was, at all events, one that ought to be prolonged, inasmuch as it had set up a barrier against invasion of property which was threatened by the rapid increase of pauperism in the country. But, if the present system ought not to be continued entirely in its present shape, at least some substitute should be provided. He thought the present system well calculated for those paupers who might be considered to have, either by their own fault or neglect, become burthensome to the country, and indeed for any class of paupers except those who had been industrious persons, and formed what he would call the meritorious class of destitute poor. But he did not think the system sufficient for all the demands of poverty in this country; and he most entirely agreed with the hon. Member for Finsbury as far as his remarks were applicable to the condition of the meritorious poor. Would any Member of that House get up and deny that there was such a class of paupers, or that they were a numerous class? Was it possible for hon. Gentlemen to shut their eyes to the fact, that in the manufacturing districts there were hundreds, nay, thousands of persons, who might be reduced to destitution without any fault of their own, but simply by the mere fluctuations of trade? He might appeal to the gentlemen acquainted with the state of the agricultural districts, especially in the southern counties, and ask, had they not themselves expressed their surprise that the very labourers who had tilled their estates and raised from them the rents which they enjoyed, were unable to provide for their families, and were standing on the verge of destitution? Over-exertion might, in a moment, reduce a man, who had been tempted to that over-exertion in his desire

to provide for his wife and family, to a state of utter poverty and helplessness, so that they would all be compelled to seek relief at the workhouse door. But was it honourable to this country, claiming for itself the character of an enlightened and Christian country, that the sole provision for its meritorious poor should be, that they must be thrust into central workhouses, the several members of each family being separated and draughted to four different houses situated in different and distant places? He would pass by the dietary, and the sense of degradation, as having even less of pain and affliction connected with them than that circumstance of separation alone. But he had no wish to enter further into these details. Should the noble Lord bring in his bill without further amendments he would support it, because he believed that the present system worked some good, and ought not, therefore, to be discontinued. Still, he contended that a great, powerful, and rich country like this, which was spreading its arms over the whole world, and spending its millions in carrying its sway into the remotest corners of the globe, ought to have some proper and permanent provision for its meritorious poor. He would suggest that a supplementary power should be given to vestries or parochial meetings to give relief to deserving cases. He rejoiced to see that the first bill brought in by the noble Lord was one to amend the Poor-law Amendment Act, and also that the first bill introduced into the other House of Parliament by another noble Lord was one for the regulation of vestry meetings; and his only regret was, that there was no indication of any power being conveyed to those meetings for raising money wherewith to relieve the meritorious poor as they deserved to be relieved.

Sir F. Burdett said, that in the present state of the House and of the question before the House, he would certainly not trespass on its patience at any great length; for he did not wish to see a discussion carried on which might be considered, in many respects, premature; at all events, under the present circumstances, and at the present moment, it was scarcely ripe for the attention of the House. At the same time, having always objected to this measure, he could not refrain from observing how much experience had confirmed the views he had held and expressed respect-

ing it. He had always said, and he now said again, that it was in every point of view a most unconstitutional measure, at once repugnant to the feelings, and habits, and opinions, of the people at large, and calculated to undermine the best feelings, the morals, and the happiness, of the whole population of this country. He had opposed the Poor-law Amendment Act because he felt that it was not merely an experiment, but a most dangerous and very rash experiment. However, standing very nearly alone at that time, and there being a pretty general impression, that the mismanagement and misapplication of funds under the old poor laws cried out for reform, as they certainly did, the new bill was passed; but his humble opinion was then, as now, that reforms might have been constitutionally effected, and therefore in a manner free from the grave objections to which the present system was open. In fact, the present law was so erroneous—fundamentally erroneous—that he did not believe it was in the power of the noble Lord to frame it so as to make it what it ought to be—a permanent measure, and fit to be adopted in this country. He would not attempt to repeat what the hon. Member for Finsbury had so powerfully stated; but he desired to declare his entire concurrence in the views of that hon. Member, and he would go further, and say, that if the hon. Member had the power to move, that this bill be thrown out at once, and altogether disposed of, and that a new system be established, he should be quite proud to vote with him to that extent. He was quite satisfied that it was impossible ever to make this bill palatable to the people of this country, or to bring the thinking men in this country to approve of the erection of such a tribunal as that which had been set up at Somerset House—a tribunal possessing powers more exorbitant and irresponsible than had ever been exercised by any tribunal under any circumstances, or in any times. The unions of parishes, and the centralization of districts which had taken place, must be pregnant with mischiefs, because the proper administration of poor laws demanded that attention to details which rendered it impossible for any board whatever, even if composed of the ablest men in the world, to frame those rules and regulations which, without consideration of local circumstances, or any regard

to the character of the poor, could work justly and satisfactorily. It was impossible, he repeated, to frame one unbending system of poor-laws that would not be found in practice utterly impracticable, unless hardships were imposed upon those who ought to be believed, and all the paupers were brought to one undistinguishing level. Such a system must uproot the best feelings, and eventually destroy the morals of the population. He believed the present system of poor-laws the most dangerous that had ever been introduced into this country; as an experiment it had totally failed, but it had been a cruel experiment. He would give his strenuous opposition to the further continuance of what he conceived to be a harsh and tyrannical law. The whole system required revision and reformation, but he confessed he had no hope that any good laws could be framed upon such notions as those upon which this measure had been introduced, or upon such principles as it was sought to be established.

Mr. *Hume* said, that having been one of those who supported the Poor-law Amendment Act, he could not allow the observation of the hon. Baronet, that it was founded on erroneous principles, to pass in silence. He was aware as well as his hon. Friend the Member for Finsbury, though he had not had so many opportunities of observing the operation of the poor-laws, that many cases of hardship had occurred; but it was impossible to prevent that. At the same time he was not to be unjust to those who had introduced the measure to check the greater evils which existed under the old law. Even the hon. Baronet himself admitted, that there had been cases of misappropriation of funds under the former system. As to the deserving poor, he believed that the very object of the Poor-law Amendment Act was to make a distinction between poverty undeserved and those who had become poor through their own vice or misconduct. He regretted that some abuses did exist under the new law, but he hoped that the effect of the bill now moved for by the noble Lord would be to remedy those abuses; and if any amelioration with regard to the classification of paupers could be made, he should be as glad as his hon. Friend to see it effected.

Mr. *A. White* said, that having acted as chairman of the Sunderland board of

guardians, his attention had been drawn to the working of the Poor-law Amendment Act, and as far as his experience and observation went, he must say, that it had operated very beneficially to the poor, and that nine-tenths of the middle and lower classes in the north of England were in favour of the present system.

Mr. *Liddell* observed, that though the hon. Member who had just sat down had stated, that nine-tenths of the lower and middle classes in the north of England were in favour of the new Poor-law, he could only declare, that his experience was entirely different, for he had found very little disposition indeed to acquiesce in the regulations of the present system. He must also state, that having originally objected to the introduction of the law into the northern counties, he had not seen anything in its working that at all reconciled his opinions to it, or would induce him to consent to its continuance. As far as regarded the adjudication of relief to the poor, he had always said, that he thought that might be much more safely left to the discretion of the guardians than placed under the rigid rules and regulations of a commission sitting at Somerset House. He was sick of hearing that relief was to be administered on just principles, because what were called just principles frequently led to unjust practice. Many instances in which injustice had been suffered had been recorded in the public prints; many instances had also come under his own observation, that justified him in giving that character to the administration of the law. If in any bill that the noble Lord brought before the House for the amendment of the law it should be proposed to extend the duration of the commission, he gave the noble Lord fair notice, that he would not support him in the proposition, whether it should go to continue the commission for ten years, or for one only. That portion of the bill should receive his decided opposition; and as to the other portions, he should wait till the bill was laid on the Table to know how far he could or could not support it.

Lord *J. Russell* said, that the motion he had made was for leave to bring in a bill to continue the powers of the commissioners for a limited time, and for the further amendment of the law relating to the poor. He had thought it right to state to the House the period for which he proposed

that the powers of the commissioners should be prolonged. It was for the House to decide whether the period should be one, or ten, or any number of years, but the length was not essential to the measure he had asked leave to introduce. He did not think it necessary on such an occasion as the present to state either the general principles of the Poor-law, or its effects. He refrained from doing so, not only because a similar bill was introduced last year, and was before the House some time, but because he thought there was no subject on which a greater mass of information had been given to the House and the country than on this of the Poor-laws. Before the original bill was introduced, inquiries were made by commissioners appointed for that purpose, and the results of those inquiries were circulated throughout the country. Ever since the commission charged with the administration of the law had existed, annual reports had been presented to the Secretary of State, and laid before Parliament. Both branches of the Legislature had also instituted inquiries of their own, and numerous witnesses had been examined in the course of more than one Session. With respect to the bill now to be brought in, a volume containing a special report, with information from various quarters, and the remarks of the commissioners, were presented by him (Lord *J. Russell*) in the course of last Session, bearing the date of 1839. Therefore it appeared to him, that the House, being now in possession of all the information it could require, besides the experience which many Members of this and the other House of Parliament had obtained as chairmen of boards of guardians, was enabled to take a tolerably correct view of at least the general bearing and results of the law. For his own part, he must say, that though it would no doubt be much easier to allow the powers of the commissioners to expire, to leave to the boards of guardians the whole management of their local concerns, and let them bear the odium of all the refusals of relief they might make, yet he thought it would be an abandonment of his duty to pursue any such course. Believing that the powers of the commissioners were most useful, and that their continuance was necessary to the vigilant superintendence of this law, after abuses had continued for so long a period, and had taken such deep root in the system, he felt he should not be doing his duty if he did not make the present proposition. Many years ago, in 1819, he had thought it a matter of reproach to the Government

of that day that they had not proposed any large and effective amendment of the Poor-law, and he had stated this opinion in the House. Mr. Canning, in his answer to what he (Lord J. Russell) had then advanced, said it was a question so complicated, so wide, and so intricate, that it could not be a matter of blame to any Government if a revision of it were not undertaken. Even before 1819 the sums expended for the relief of the poor had risen to the amount of near 8,000,000*l.* in a single year. The evil continued, and the poor-rates increased, till at length the Government of 1833 undertook the task of reformation. At that time, as the hon. Member for Kilkenny had remarked, the abuses were so very great, that there was a general disposition to make some attempt at the amendment of the law. He considered that the attempt then made was founded on just principles, and as far as it proceeded had been hitherto successful. Perhaps the House would allow him to state, in as few words as he could, what he considered to have been the vicious principles of the former administration of the law. The evils that were so much complained of depended on the three sources of wages, public relief in cases of destitution, and private charity; and the fault of the old administration was, that it attempted to confound all those things. In the first place it gave relief from the poor-rates in aid of wages. It thereby lowered wages, it degraded the labourer, it put the honest and industrious man who was ready to live on his wages on a disadvantageous footing as compared with the idle and vicious labourer, who could always get from the rates as much as placed him on an equality, at least, if not above, the hardworking and honest labourer. It likewise pretended to do that which could only be done by private charity—to give that support which the various misfortunes that affect life rendered necessary, which charitable and wealthy neighbours were disposed to afford to those overtaken by sudden distress. Such was the case of a man, who, having laid out his little stock of money in the purchase of furniture for his cottage, had it destroyed by fire, and who, by the compassion of his neighbours, might be restored to a situation in which he would have the means of obtaining a livelihood. The administration of the Poor-law attempted in those days to supply all such casualties. It was easy charity in the vestry and overseers to give money, which, in fact, did not belong to them, taking credit for extreme charity and

generosity in tracing out and relieving cases of individual distress; but, in fact, charity was not properly administered in that way. A board was not the proper source from which charity ought to flow, inasmuch as it could not exercise that discrimination, or show that kindness of intercourse which ought to belong to charity. Therefore, by attempting to distribute charity, those boards did, in effect, pervert the true charity of the country, while they squandered immense sums of money on very undeserving objects. So much had this mode of giving charity injured the judgment or feelings of those concerned with it, that sums were continually granted, and carried to the parish accounts, to a daughter for attending a mother while she was ill, to a father for taking care of his child; and thus the nearest relations thought it necessary to be paid for the discharge of the common offices of humanity. The amendment of the law proceeded on the principle that wages should be the result of a fair contract between the employer and the labourer, the employer giving money, and receiving a fair return in a good day's work, or piece of task work. The labourer was raised by this change in the law; he felt that what he gave was worth what he received, and no longer thought himself humbled and dependent by receiving it as a public alms. It was observable, from the first report of the commissioners, that many a man, previously improvident and idle, suddenly became industrious, and farmers were astonished to find those labourers whom they formerly considered worthless, becoming really active and useful when earning their wages in a fair and proper way. He found, likewise, that under the new system, relief was given in cases where alone he thought it should be given—he meant those of destitution. He differed very much from his hon. and learned Friend who spoke on the second bench (Sir C. Grey), in thinking that a distinction should be made in favour of merit; he thought it most unreasonable, that any board should pretend to say who was meritorious. All the public could do, in the shape of relief was to adhere to that wise and good principle of the Act of Elizabeth, that no poor person in the country should be allowed to starve, and that when a man was really destitute, sufficient food and shelter should be provided for him. But this should be done in such a way, that it should be clear, relief was given because the party was destitute, and not because he was idle, so as not to bring discredit on the distribution of the relief.

With respect to the details of the new system, that all the rules and regulations adopted were right, was not what he could pretend to say, but the workhouse system was that which had been advised by men of great experience in those matters, as the best mode of giving relief, and conformable to the law as it stood in the time of George 1st, which, as he thought, had been most unfortunately altered by the Act of 1797. There would always remain, supposing even that there was considerable employment, and likewise that you gave relief to the destitute, sufficient and ample scope for the exertions of private charity. He certainly was not one of those who thought, that relief to the destitute ought to be refused, nor was he one who thought, that there would not always be a necessity for private charity, but he thought, that private charity ought to be spontaneous, not defined and rendered obligatory by law, but left, as it might fairly be in a country like this, to those persons who had ample means of relieving their neighbours, and whose feeling, while it led them to do so, was likely itself to reward them for its exercise. These, he thought, were the principles on which the amendment of the Poor-law proceeded. In order to carry them into effect, and amend what was vicious in the working of the law, he thought it necessary to have assistant commissioners in each district, and commissioners to give their general superintendence and revision to the whole system. With respect to the assistant-commissioners, it had been agreed upon last year, that when the unions were formed, it would not be necessary to keep so great a number as heretofore. He believed, that the number might be reduced to twelve, but he did not think that any reduction below that number could be made consistently with the necessity of the case. It had been asserted, that Lord Althorp was reported to have said, that the Act was only a temporary experiment, to cease at the end of five years; but he thought his noble Friend must have been completely misunderstood. The original intention of Government was, that there should be no limitation of time; but representations being made, that the experiment was great and perilous, Lord Althorp consented that the duration of the commission should be limited to five years, in order that after that period of trial, Parliament might again have an opportunity of taking the question into consideration. Parliament, however, now possessed all the informa-

tion that was necessary on the subject. More than once it had been deferred from one Session to the following; but he trusted the result would be to maintain the principle of the law uninjured. Any considerable modification or relaxation of the law, or anything like a return to the old system, would be incompatible with what he thought the useful and salutary principles on which the amended law proceeded. The part he took in carrying that law would always, in reviewing the events of his public life, be a satisfaction to him.

Leave given.

The Bill brought in, and read a first time.

The House adjourned.

HOUSE OF LORDS,

Monday, February 1, 1841.

MINUTES.] Petitions presented. By the Marquess of Normanby, from the Medical Practitioners of Devonport, and Stonehouse, in favour of Medical Reform.

EAST INDIAN PRODUCE.] Lord *Ellenborough* presented a petition from the East India and China association, praying for a repeal of the destructive duties levied on East Indian produce in Australia and Ceylon. It had been laid down as a general principle, that the commercial regulations affecting the intercourse between the United Kingdom and the colonial dependencies, and the mutual intercourse of these dependencies with each other should be based on perfect equality, subject to certain exceptions where the permanent interest of all the members of the community might render such exceptions necessary. There was to be no advantage given to one party over another, either in the colonial ports or in any of the ports of the United Kingdom. Parliament was not to secure to any persons or companies trading to these ports any partial advantages whatever. He would now state to their Lordships that British manufactured goods were imported into Australia free of duty, while a duty of 5 per cent. was imposed upon the manufacture of India. Now, it did so happen, that the main part of the Indian produce imported into Australia was grain, and that was only imported in times of distress and privation, and yet that duty of 5 per cent. was levied upon all the grain imported. When he had the honour of preparing the report for the committee, he had suggested to them the propriety

of reducing the duty upon East-India rum within the next two or three years. The committee, however, did not feel themselves justified in assimilating the duty upon all articles of West India produce, not deeming it expedient in the present transition state of the West-India colonies. He trusted, however, that the House would see the justice and propriety of making a gradual reduction of all the discriminatory duties upon all the articles of East India produce. If East India rum was admitted on an equal duty to West India rum a great quantity of East India sugar would be imported; and looking at the present high price of sugar in Great Britain, and the privations to which the public were subjected, he trusted there would not be a second opinion upon the subject. He was aware indeed, that many obstacles opposed themselves to a complete equalization of duties, particularly the doubtful effects which that might have on our revenues; it was indeed very unfortunate that at present there was so small a margin; so small a surplus, or rather he should say there was at present no surplus at all; but so great a deficiency that it was impracticable on account of the revenue to do that for our East Indian possessions which justice demanded. He mentioned the subject with a view of calling attention to it, and of inquiring of the noble Marquess what part of the report of the committee it was the intention of her Majesty's Government to act upon.

The Marquess of *Lansdowne* was glad of the opportunity of stating that having himself presented a petition last year upon the subject, which had been at the suggestion of the noble Baron and with his own entire concurrence in the suggestion, referred to a committee of their Lordships' House, he took a warm interest in the subject to which the petition referred. He had thought inquiry necessary from the great importance of the trade with India, and from the still greater importance of the claims of the people of India themselves, to the fullest measure of justice from that House in all that regarded their interests. He still retained the same opinion, and was glad to find that his wish was participated in by the noble Baron, of extending to them without unnecessary delay those advantages to which he believed them justly entitled. Having said so much, he would state his entire concurrence with the views the noble Baron

had expressed last year, that the report which the committee had sanctioned and adopted ought to be the foundation of future legislation. But it must be manifest to all who considered the magnitude of the interests at stake, and how numerous those interests were, that it would be impossible at once to effect that change which, in point of justice it might be desirable to effect. It was admitted, that if any change took place, it must be a change favourable to the interest of the producer and merchant of India, and in that view, he was happy to be able to mention to their Lordships that on the fullest consideration of the state of the supply of rum from the West Indies and from her Majesty's East Indian dominions, her Majesty's Government were prepared to propose to Parliament to do that which, when the bill came to be introduced, it would be easy to prove was not only reconcilable with justice, but with the interests of our West-Indian colonies themselves, namely, to equalize the duties on rum, whether produced in her Majesty's dominions in the East Indies, or her Majesty's colonies in the West Indies, leaving, of course, to the West Indies, the advantages which they derive from their geographical position. If the removal of those restrictions upon the commerce of India had not already been effected, it was not because there was any doubt as to the propriety and justice of the proceeding, but from the magnitude and complexity of the interests involved, which required the most careful and cautious consideration. He had, however, no doubt that at the very earliest moment the relief prayed for would be given, and an extension of Indian commerce would take place. Many of those matters to which the noble Lord had alluded, particularly cotton, were so connected with questions of revenue, that it was impossible not to see it would be necessary well to consider the subject before alterations were made. Not only was it necessary to pause in forming any opinion on the subject, but even when that opinion was formed, it would be inexpedient, in regard to taxation and revenue, to state that opinion before the Government was prepared to act upon it. He certainly considered the subject to be most important, and one that ought to be continually present to the minds both of the Government and Parliament.

Petition laid on the Table.

TRIAL OF THE EARL OF CARDIGAN.]
The Earl of *Shaftesbury* brought up the Report of the Committee appointed to inspect the journals of the House on the forms of the trial of Peers, and also to consider the proper mode of proceeding, in order to bring James Thomas, Earl of Cardigan, to a speedy trial. The Report was not a final one, and he, therefore, begged leave to move, that the Committee should be allowed to report from time to time. The Committee had considered the matter referred to them, and had come to the following Resolutions:—

“1. That as a very considerable delay has occurred since the bill of indictment was preferred against James Thomas, Earl of Cardigan, it appears desirable, for the ends of public justice, that the trial of the said James Thomas, Earl of Cardigan, should take place with all convenient speed.

“2. That as the destruction by fire of the two Houses of Parliament, renders access from this House to Westminster-hall inconvenient, it is the opinion of this Committee, for the reason aforesaid, that the trial should take place at the Bar of this House.

“3. That Tuesday, the 16th day of February, be fixed for the said trial, and that all the judges be summoned to attend.”

Report agreed to.

The Earl of *Shaftesbury* moved, “That the Lord Chancellor be requested to write letters to all Lords to attend on Tuesday, the 16th of February, at eleven o’clock in the forenoon; and that all letters addressed to members of the Royal Family shall state that ‘the House desire their presence.’”—Ordered.

The Earl of *Shaftesbury* moved, “That an humble Address be presented to her Majesty, praying that her Majesty will be graciously pleased to give directions for the necessary fitting-up of this House, and to appoint a Lord High Steward to preside at the trial.”—Ordered.

Adjourned.

HOUSE OF LORDS,

Tuesday, February 2, 1841.

MINUTES.] Bills. Read a second time :—Copyhold Emfranchisement.

Petitions presented. By the Duke of Richmond, from the Inhabitants of Christchurch, for Relief, with reference to the state of certain Turnpike Trusts.—By Lord Ellenborough, from Magistrates, and others, at Bombay, for an Act to regulate the proceedings of the Council in certain cases.—By Lord Brougham, from Devonshire, for an Act to facilitate the Recovery of Small Debts, and the more speedy attainment of Justice.

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TRIAL OF THE EARL OF CARDIGAN.]
The Earl of *Shaftesbury* moved, “That James Thomas, Earl of Cardigan, be taken into custody by the Black Rod, touching the matter of an indictment preferred against him.”—Ordered.

The Earl of Cardigan appeared at the Bar, in the custody of Sir Augustus Clifford, Gentleman Usher of the Black Rod.

The *Lord Chancellor*.—My Lord, this is the fit opportunity for your Lordship to address the House, if you wish to say anything; if not, you may retire.

The Earl of Cardigan bowed, and withdrew.

The Earl of *Shaftesbury* moved, “That her Majesty’s Clerk of the Crown in Chancery be directed to issue a writ of *certiorari* to return into this House an indictment against James Thomas, Earl of Cardigan.”—Ordered.

The Clerk of the Arraignment in the Central Criminal Court was, after a short time, called to the Bar, and in answer to the Lord Chancellor announced a return to a writ of *certiorari* issued in obedience to an order of the House.

The return was read. It set forth, that an indictment had been preferred at the Central Criminal Court against James Thomas, Earl of Cardigan, for feloniously firing a pistol at Harvey Garnett Phipps Tuckett, with intent to murder or do him some grievous bodily harm, contrary to the statute in that case made and provided.

The Earl of *Shaftesbury* moved, “That James Thomas, Earl of Cardigan, be admitted to bail.”—Ordered.

The Earl of *Shaftesbury* then moved, “That James Thomas, Earl of Cardigan, be called on to find two sureties in 5,000*l.* each, and to bind himself in 10,000*l.*, to appear before this House at any time the House may order his attendance.”—Ordered.

The *Lord Chancellor*.—Call in Lord Cardigan.

The Earl of Cardigan having appeared at the Bar,

The *Lord Chancellor* said,—I have to inform your Lordship, that this House has been pleased to order, that your Lordship may be admitted to bail, yourself in 10,000*l.* and two sureties in 5,000*l.* each.

His Lordship and his two sureties, Mr. B. Baring and Mr. H. C. Sturt, entered into the required recognizances.

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The Earl of *Shaftesbury* moved, "That James Thomas, Earl of Cardigan, be discharged from the bail into which he had entered before he was taken into custody by Black Rod."

Motion agreed to; and his Lordship having been informed by the Lord Chancellor that he was discharged, by order of the House, from the bail into which he had entered previously to having been taken into custody by Black Rod, retired.

The Earl of *Shaftesbury* brought up the following additional report from the committee of their Lordships appointed to inspect the journals of the House, which was read and adopted.

"Second report made from the committee appointed to inspect the journals of this House upon former trials of Peers in criminal cases, and to consider of the proper methods of proceeding, in order to bring James Thomas, Earl of Cardigan, to a speedy trial, and to report to the House what they shall think proper thereupon; and to whom leave was given to report from time to time to the House: that the committee have again met, and have further considered the matter to them referred, and have come to the following resolutions, viz.:—

"1. That an humble address be presented to her Majesty, to request, that her Majesty will be graciously pleased to order, that such guards do attend, during the said trial, as have been usual in cases of trials; and also that her Majesty will be graciously pleased further to order, that a sufficient police force be in attendance to keep clear the approaches leading to the House during the said trial.

"2. That on the day appointed for the said trial every Peer who hath a right to sit and vote in Parliament do appear at and attend such trial; and that the whole body of the House of Peers do meet in the House of Lords in their Robes, at 11 of the clock in the forenoon.

"3. That every day during the trial, the names of the Lords be called over before they proceed on the said trial, and that the names of the absent Lords be set down by the clerk of this House.

"4. That the Lord High Steward do acquaint the Lord to be tried, and all other persons who may have occasion to speak to the Court, that they address themselves to the Lords in general, and not to the Lord High Steward.

"5. That the Lords do keep their places in the Court during the said trial.

"6. That no person, whatsoever, except the Lords of the House, be admitted within the Bar.

"7. That in case the Lord indicted should plead guilty to his indictment, strangers do immediately withdraw.

"8. That if any doubt shall arise during the said trial, no debate shall be had thereupon

till the counsel and witnesses, and the said James Thomas, Earl of Cardigan, be first withdrawn.

"9. That every Peer, when he gives his judgment, shall declare his opinion upon his honour, laying his right hand upon his breast.

"10. That all proclamations to be made in the court during the said trial be made in the Queen's name.

"11. That no person be admitted about the Throne, except such Peers of Great Britain and Ireland as do not sit in the House, minor Peers, and the eldest sons of Peers.

"12. That no person whatsoever shall be admitted to be present in the court at the said trial, but those who have a right to be there; and that the Lord Great Chamberlain do give order, and that the officers of this House do take special care, that this order be observed accordingly.

"13. That a room be allotted for the use of the prosecutor and his counsel and attendants.

"14. That considering the want of space in the present House of Lords, the Lord Great Chamberlain be desired to provide such accommodation as the House can in its present state afford for the admission of such persons as have a right to be admitted, or have usually been admitted on such occasions, and to communicate to the committee the arrangements that can be made for the purpose.

"15. That during the said trial the avenues to this House be guarded, and care taken that none be admitted but Lords' servants and the necessary attendants of the house.

"The Lords thereupon ordered accordingly, and—

"16. That the solicitor of the said James Thomas, Earl of Cardigan, have a copy of the indictment."

HOUSE OF COMMONS,

Tuesday, February 2, 1841.

MINUTES.] NEW MEMBERS.—Robert Fergusson, Esq., for Kirkaldy Boroughs.

Petitions presented. By Mr. Crawford, from the East India and China Association, for the Removal of certain Restrictions upon the Commerce of India.—By Mr. Strutt, from the Corporation of Derby, for the Abolition of the Corn-laws, and the Establishment of a Free Trade.—By Sir Robert Inglis, from Dublin, against Idolatrous Practices in India.—By Mr. French, and Mr. Hume, from Ennisconorth, Wexford, Carlow, and Kilkenny, that the Appointment of Medical Officers employed under the New Poor-law may be taken out of the hands of the New Poor-law Commissioners.—By Mr. Hume, from persons in a Factory at Glasgow, for Universal Suffrage, and Vote by Ballot.—By Sir George Grey, from Devonport, for Medical Reform.

THE LATE MR. RICKMAN.] The *Speaker* said: The House is aware, that at the close of the last Session the House sustained a great loss by the death of Mr. Rickman, who was an officer of the House for thirty-eight years, and sat as a clerk

at the table during twenty-six years. I have received this morning a letter from his son, in which he states, that his lamented father had collected a number of papers relating to the privileges, practice, and precedents of Parliament, and that he is desirous of placing them at the disposal of the House.

Lord *J. Russell* said, he thought the House should express their sense of the great services of the late Mr. Rickman. As, however, there were not many Members then present, he should take the liberty of giving notice, that he would bring forward a resolution on the subject to-morrow.

PRINCE ALBERT AND THE REPEAL ASSOCIATION.] Captain *Polhill* said, that as he had not received a satisfactory answer from the noble Lord, to the question addressed to him on a former occasion, he hoped the noble Lord would now give him one. The question he had to put was, whether her Majesty's Government was aware of a letter addressed to T. M. Ray, Esq., dated Buckingham Palace, Jan. 20, 1841, and signed G. E. Anson, containing the sincere thanks of Prince Albert to the Loyal National Repeal Association of Ireland, for their address to his Royal Highness on the birth of a princess.

Lord *J. Russell* said, that since the hon. Gentleman had asked the former question, he had seen the letter alluded to in a newspaper, but he had not thought it necessary to make any inquiry on the subject.

AFFAIRS OF THE EAST.] Mr. *Hume* begged leave to ask the noble Lord, whether he had received any more recent despatches from the Levant which would enable him to state whether the treaty made by Commodore Napier, or by Admiral Stopford, with Mehemet Ali, had been yet carried into effect? Also, whether Syria had been yet evacuated by the troops of the Pacha, and the authority of the Sultan re-established in that country?

Lord *J. Russell* said, all the information he could give was, that Commodore Napier had entered into a convention with Mehemet Ali, which the commodore had not authority to conclude, and which Admiral Stopford disapproved of, and therefore was not carried into effect. The submission of Mehemet Ali had been made

in consequence of instructions sent by Admiral Stopford through Captain Fanshawe, and accepted by the Sultan, who had in consequence appointed commissioners to proceed to Alexandria and inform Mehemet, that the Sultan conceded to him the government of Egypt, and would make his authority hereditary. As for the evacuation of Syria, arrangements were making by which Ibrahim and his troops would be permitted to quit that country without molestation. The evacuation was not yet complete. Mehemet Ali had proved his readiness to fulfil his engagements, so far as to have given orders for the Turkish fleet to be rapidly refitted and made ready to sail from Alexandria.

Mr. *Hume* asked, had this last step been done at the suggestion of the Four Powers?

Lord *J. Russell*.—Yes, in consequence of the suggestion of the Four Powers.

ADMINISTRATION OF THE LAW.—THE COURT OF CHANCERY.] The *Attorney-General* rose to move for leave to bring in a bill for facilitating the Administration of Justice. In executing his task he would, he said, occupy but a small portion of time, because the measure he was about to ask leave to introduce had already been before the House, and was not likely to meet with serious opposition. This measure would be followed by others to improve the law,—for the appointing of local judges,—for the reformation of the ecclesiastical courts,—for amending the law with respect to bankrupts and insolvents, by bringing them under one jurisdiction, and for abolishing the Court of Review, which was, on all hands, admitted not to have answered the expectations originally formed respecting it. The present measure related merely to the administration of the law in the Courts of Equity—a branch of the law which was of very great importance, on account of the immense mass of property, real and personal, brought under its jurisdiction, and in the administration of which great delay was experienced, notwithstanding the high character and unwearied assiduity of the judges who presided in the Equity Courts. The great cause of this delay was the increased business thrown into those courts from the greatly increased population of the country, and from its still more increased wealth. With the enormous mass of property brought under the administration of the Equity Courts, it was impossible,

with the present judicial establishments, to get through the business. There had been hardly any addition to the judicial establishments of the country since the reign of Edward 1st, though the property to be administered had gone on constantly and rapidly increasing. He might mention that the funds in the Court of Chancery in 1802, amounted to 19,000,000*l.*; in 1812, to 28,000,000*l.*; and in 1839, to 41,000,000*l.* The Acts of Parliament which had been passed of late years respecting railways had very much contributed to increase the business of the Equity Courts, and the consequence was, that there were frequent and just complaints of the slow administration of justice to equity suitors. The arrears in the Court of Chancery were very great, amounting at present to between 1,200 and 1,300 causes. Between the time of a cause being set down for hearing, and it being heard, a period of not less than three years elapsed, and upon an average it was five years from the date of the beginning of a cause to its being first brought before the judge. When a cause was heard it might not be definitively disposed of, but would come on again for further directions, and this might happen repeatedly before the cause was finally determined. Between these hearings, there was a cycle of three years. The consequence of this procrastination was, great distress to individuals. Another evil, also, resulting from such a state of things was the encouragement to fraud. Persons having property entrusted to them frequently set the law at defiance, presuming upon the inability of individuals to brave the expenses and anxieties of a Chancery suit. Compromises on unequal terms were matters of daily occurrence. The enormous amount of extra costs, arising from delays, constituted in itself a great grievance. Upon a moderate calculation, the term fees and other expenses, arising from delays, amounted to not less than 40,000*l.* per annum. It was, by some, ignorantly supposed that all this delay was advantageous to solicitors. No such thing; they were often the greatest sufferers, having to remain for years without reimbursement of the money they were obliged to expend. This being the case, what was to be done? Some alteration must be made. He first turned his attention to the Court of Exchequer. That was one of the tribunals by which the equity law was administered. That court, however, exercised double functions—those of common law and equity. Its common law decisions were sometimes less satisfactory,

from the absence of the Chief Baron. and as an equity court it had fallen into disrepute, notwithstanding the eminence of the judges who usually presided in it. One cause of this was, that the judge who sat in the Exchequer was obliged to attend the circuits, and the court, consequently, was closed from July to November. If an injunction were granted previously, there were no means of getting it dissolved during that period. Another evil consisted in there being no appeal from an interlocutory order of that court except to the House of Lords. For these reasons, he entirely concurred with those who framed the bill he was about to introduce in thinking that the equitable jurisdiction of the Exchequer Court ought to be abolished. This, to be sure, might be avoided by appointing another judge in that court, who would confine himself entirely to the equity business, and from whose decisions there should be an appeal to the Lord Chancellor. This, however, would only be appointing another Vice-Chancellor, under a different name. The first object, then; of the present bill was to abolish the equity jurisdiction of the Court of Exchequer. The next question to be considered was, what addition should be made to the judicial power of the Court of Chancery. If the equitable jurisdiction of the Court of Exchequer were abolished, it would be necessary to provide a substitute for it. Even during the existence of the equitable jurisdiction of the Court of Exchequer, it had been considered necessary to increase the judicial power of the Court of Chancery. In 1828, Lord Lyndhurst introduced a bill in the House of Lords, which passed through that Assembly, and was brought down to the Commons, to appoint an additional Vice-chancellor. It was a matter for regret that that measure did not pass the House of Commons. The public mind, however, was not then prepared for such a proposition, and it was only by degrees that it had become prepared to entertain it. If one judge was necessary then, two new judges could not be considered too many, when the equity department of the Court of Exchequer were abolished. No apprehension need be entertained, that new business would not be found for the additional judges. The House would be surprised to hear, that for sums under a 100*l.*, no one ever thought of going into equity. In courts of common law, the case was entirely different. His learned Friends, who were present, would bear him out in his statement, that in three-fourths of the

causes tried at common law the damages were under 100*l*. No one but a madman would now go into equity to recover a debt of 100*l*. If there were at present a demand against a fraudulent executor, or partner, or any other person, against whom there was no remedy at common law, unless the amount were more than 100*l*., the practice of the Court of Chancery amounted to an entire denial of justice to the parties aggrieved. Indeed, under the bill introduced at the close of last Session, he was sure that great improvements in the masters' offices and other departments in Chancery would be made; and he was sure that in all cases of a fiduciary nature, a remedy would be afforded as satisfactory as that now given by the courts of common law; but this could not be effected without a considerable addition to the judicial strength, as he had already stated. On those grounds, he believed there would be no opposition to the appointment of two new Vice-Chancellors as proposed by the present bill. He might, perhaps, be blamed for not proposing a more extensive measure, particularly as the right hon. Gentleman, the Member for Ripon, had given notice of a bill for improving the appellate jurisdiction of the House of Lords and the Judicial Committee of the Privy Council; but he thought it right to keep clear of all debateable ground, and he trusted that those measures would not be allowed to impede the present bill, which he desired should proceed with as little delay as possible. In 1835, the Government, with which he was connected, brought forward a measure which proposed that a chief judge should be created in Chancery, who should not be removeable with the Government, and that the attention of the Lord Chancellor should be confined to appeals and writs of error in the House of Lords, and in the Privy Council. That measure, however, did not meet with the approbation of the other House, and he was afraid that if the right hon. Member for Ripon proposed any such plan it would not be received with favour. The bill which he was now about to introduce would be a large instalment of legal reform, and as it would be sent back to the Lords in the same state in which it had been brought down from that House, there was no reason to doubt that it would receive the approbation of that Assembly. The bill would abolish the equitable jurisdiction of the Court of Exchequer, and appoint two new Vice-Chancellors. At a subsequent stage, it would be necessary to

introduce clauses respecting salaries and compensations. That was a subject which had better be reserved for the committee, and with the leave of the House he would abstain from entering upon it at the present time. It might, however, be satisfactory to the House to know that neither for salaries nor compensations would it be necessary to impose any burthen upon the country. There were funds belonging to the Courts of Exchequer and Chancery amply sufficient to defray all reasonable salaries, and all the compensations which would be necessary. He concluded by moving for leave to introduce "a Bill for facilitating the Administration of Justice."

Sir E. Sugden had first a few words to say respecting the proposition of the noble Lord, which was expected by the House last year. If it had come on last year, it was his intention to endeavour to have it postponed; but the noble Lord showed his judgment in holding over the bill until now, although he had done so because he saw there was no chance of its passing last year without opposition. His right hon. and learned Friend seemed to think there ought to be no opposition to this motion for the appointment of two new judges; but he must inform the House that this proposition for two new judges involved a proposition for two new courts. They deceived themselves if they supposed that the two new judges would be added to the old court. Each judge must have a separate court, a separate bar, a separate suite of officers, and a separate place must be built. If there be a greater evil than a want of a proper judicial power to meet the exigencies of a country it would be found in the existence of a greater number of courts of justice than the business of the country required. There could be no greater evil than the creation of courts of judicature which were really not wanted in a country. The hon. and learned Gentleman's proposition was, that one of the judges whom he proposed to appoint should be only temporary—that at a certain period his office should cease, and that the court should, in fact, no longer remain an effective court. But he would beg leave to ask the hon. and learned Gentleman had he reflected upon the great inconvenience of such a court of justice? If they created a new court of justice, they would also create a great body of lawyers to attend that court, and they would soon find that the supply would be fully equal to the demand. He would be found at all times ready to go to the whole extent of supporting any increase

of judicial power which the hon. and learned Member might propose, if the necessity for such increase had been clearly proved, however averse he might be, and though much he deprecated the creation of new courts. If a case of necessity could be proved to his satisfaction, he would never stand in opposition to it. But he felt so strongly the evils arising from the introduction of a court of justice not permanently wanted, that he felt himself bound to express his strong dissent from the proposition. The hon. and learned Gentleman had, he thought, made out but a very imperfect case to warrant such a measure as he had demanded. The returns moved for, and which the whole House would have in a day or two, would shew that his hon. and learned Friend had greatly mistaken the circumstances attending the existing state of the law and the administration of justice in this country. That hon. and learned Gentleman had informed the House that there were arrears amounting to 1,200 or 1,300 cases at present waiting for judicial inquiry, but he begged leave to say, that the hon. and learned Gentleman had about doubled the actual number. The fact was this, that there were not one-half that number of cases in arrear. The hon. and learned Gentleman had also stated that there was very little chance of any case being at present decided within the term of three years from the time it was set down. Now he begged leave to inform that House that the Master of the Rolls had been for some time hearing and adjudicating upon cases, none of which had been set down before Easter Term 1840, which of course reduced the period from three years to six months. He of course acquitted the hon. and learned Member of any intention to mislead the House, but that hon. and learned Gentleman was altogether mistaken when he founded his proposal upon the statement with which he had favoured the House. He was not there to deny that great delay existed in the present judicial institutions of the country, but that delay was unavoidable under the existing state of things. It was hopeless, therefore, to expect that with their present number of judicial officers, they would have judges who would attend more punctually to their business. It was impossible judges could do more than they have done, and he thought it was but fair to assume that what the present judges were not able to accomplish, no other judges would be able to effect. His hon. and learned Friend had informed the House that in 1829, when he

was then an officer of the crown under the administration of the Duke of Wellington, a bill had been proposed for the establishment of a new judge, which proved the necessity that then existed for an additional judge. He admitted, of course, having been the advocate of such a measure then, but he thought that there was no greater necessity now than at that time, and he therefore could not see what case his hon. and learned Friend had made out for two additional judges being appointed. If that proposition had been assented to in 1829, and such an addition been then granted, there would not have been now any complaint made upon the great accumulation of business which it was admitted had at present increased. The hon. and learned Gentleman had also said that the Court of Review had not answered the expectations which had been entertained of it, and therefore he proposed that it should be abolished. With regard to this Court, he recollected being on the opposition side of the House when it was proposed to be created, and he thought it his duty to give it his most strenuous opposition, as he was then, as he is now, clearly of opinion that such a court would be useless and unnecessary. The question was this. He was of opinion that in 1830 an additional judge should be elected, and accordingly he submitted a proposition to that effect to the House. He was now of the same opinion, but if it could be shown to him and the House that there were two additional judges necessary, he would cheerfully acquiesce in the views of his hon. and learned Friend. He was as desirous as any man that the judicial institutions of the country should be in such a condition as to answer the exigencies of the times, but if he admitted the necessity for an addition to the judicial power of the country, he saw no reason why there should be two appointed. If, however, it were proved that two judges were necessary, why then let there be an increase of two. Notwithstanding his strong opposition to the creation of the Court of Review, and his efforts to prove the utter impossibility of such a court being a benefit to the country, that court was established and four judges were appointed to preside in it. It was since found to be most useless and ineffectual, for nine-tenths of the business had been struck out of it, never to rise again; the consequence of which was, that this court had been since found of no use whatever. Then the hon. and learned Gentleman, in arguing in favour of the election of two

more judges, said that there were a great many compromises now to what there had been before, and, consequently, if his proposal were agreed to, there would then be no necessity for compromise, and therefore there would be more causes to hear. Now, he would take it upon himself to assert that, with regard to the proceedings of the Court of Chancery generally, the hon. and learned Gentleman had committed a mistake in assuming that compromises to anything like the extent which he had stated had taken place. The practice of the court was to take the number of bills which were filed first, then they reckoned the number of cases set down for hearing, and finding that perhaps many have been withdrawn, it was supposed that in these there were compromises. There was no foundation for such a statement. He felt that he was perfectly competent to state the general circumstances connected with the hearing of causes in the Court of Chancery, and he had no hesitation in asserting that nothing was more rare than a compromise in that court after the bill was filed, unless for the best of all good reasons namely, the want of merits,—the case might not be a promising one. The practice in that court was carried on thus. A bill was filed, which was met by a demurrer or plea, which was a complete answer to it. Another large class of causes were cases of injunction, and that was done by motion, and when those turned out successful or otherwise, in the great majority of cases there was nothing more heard of them, and there was consequently an end of them. There was another large class of cases which this House was not aware of. Cases of this nature, where the general object of a man about to sue another was not to know whether he had a good right to take law proceedings or not, but having made up his mind to go to law, he was fully determined to carry his intentions into effect. His friends might perhaps endeavour to persuade him to desist, but having once got law into his head he answers them, "I will go to law, because I think I ought to do so, and go I will." Nothing could prevent such a person from indulging his fancy, and he accordingly consults his counsel, who informs him that he has no case to bring into a court, and that he would assuredly be beaten; but what does such a person say in reply, "That may be all very true, but I tell you that the defendant, my opponent, has certain papers in his possession, which he has admitted, and these will prove my case, so that I am

certain that if I file a bill against him he will prove my case." But his counsel would say to him, "Don't be deluded by such an idea, for if you file your bill an answer will be immediately put in to it, which would destroy all your hopes." This person, notwithstanding all this good advice, files his bill, the answer is put in, and he is compelled to suffer a dismissal with costs. This was a description of a large class of cases which never came to a hearing. His impression was, that any great additional number of judges would not aid to the doing away of these causes of complaint. It appeared that in 1839, down to Michaelmas Term 1840, the Lord Chancellor had heard seventy-nine bills, original cases, and twenty-two exceptions, which made altogether 101 original matters heard by the Lord Chancellor within this period. He had also heard during that time 130 appeals, making altogether 231 cases. In the Vice-Chancellor's Court, within the same period, there were, including short causes, motions, &c., about 439 cases heard. With regard to short causes great misapprehension existed, many persons supposed that they were not adverse ones, but all these short causes were generally adverse cases. They were styled short causes, because the pleadings connected with them were not of great length. Now, in those causes the judges were called upon to decide objections, which frequently involved the most important points of law, without the assistance which the bar generally afforded them. Since the long vacation up to Hilary Term which ended yesterday, a great portion of the arrears had been disposed of. The Lord Chancellor had heard 160 original causes, and twenty-two short causes, with a great number of appeals, &c.; the Vice-Chancellor had heard 190 short causes, &c., and the Master of the Rolls had heard within the same time twenty-four original causes and twenty-seven short causes, and further directions, &c. He was happy to see that there were very few judgments indeed: and he might say, that all the appeals before the Lord Chancellor had been heard. He did not suppose that there were more than 100 cases in arrear in the Rolls' Court, and he had no doubt that the whole would be heard by Easter Term, if they appointed an additional judge. Indeed he anticipated that there would be no arrear of business by the end of Easter Term. In the Lord Chancellor's Court and the Vice-Chancellor's Court there was an arrear of only about 395 cases. So that instead of so large a number as 1,300 or

1,400 cases having accumulated, as the hon. and learned Gentleman had stated, there were only about 550 cases, including causes, &c. He was then fully persuaded that the appointment of one more additional judge would very soon get through this arrear of business, for they had the Lord Chancellor, the Vice-Chancellor, and the Master of the Rolls hearing original causes. They would have three judges sitting to hear those causes, and a portion of the Lord Chancellor's time would be dedicated to the new business. He had then formed the opinion that the arrears would be soon cleared up. He had indeed heard, from a very competent authority to speak upon such a subject, that such had been the frequency of [railway motions in these courts, that the whole time of one court of equity had been constantly occupied in hearing them. Now, as to the arrear of causes unheard in those courts, he was satisfied there was some mistake or misunderstanding for he had been positively assured by the Vice-Chancellor, that there really was no arrear of causes in the Vice-Chancellor's Court, and that all motions in that court, all petitions had been heard; and there was not even any judgments in arrear. A great deal of time, too, had been taken up in business not likely to employ much time in future—namely, in charity cases, including foundation schools, and endowed institutions, which, in consequence of the passing of the Municipal Corporations Reform Bill, had been under the consideration of the court continually for some time past, and had occupied much of the attention of courts of equity. He thought he could safely assume that the business in arrear in these courts did not amount to one-half of what the hon. and learned Attorney-General had assumed it to be. He had, in consequence of this reduction in the estimate of cases in arrear by the hon. the Attorney-General, come to the conclusion that one additional judge would be fully competent to the proposed duty, instead of two such judges as proposed by this bill. However, as the Government had so framed their bill that there should be two judges, they no doubt would persevere in that part of their plan, and he should take the measure as he found it. In the state of doubt the House as yet was as to the propriety of there being one judge or two, he should remind them that it would be better not to be over zealous in their legislating upon this subject, and do too much. He believed it was Dean Swift who once said to his cook, "Take away that beef and do it a

little less—it is too much done." Of course she answered that she was not able. "Then," said he, "should not that teach you to do the meat a little less at first, because you could do it a little more." Now, might not that, however homely, be applied to the subject of these courts. So he would apprise the House that it would be easy if they found one judge not sufficient to do the business in arrear to add another; but if they appointed two they must be prepared to incur the whole expense of two courts,—whether two were necessary or not. The double appointment would prove injurious to the profession, and the administration of justice in the country, if they were to have a court with all its officers and necessary expenditure, but without causes—a bar attached to the court without briefs, and solicitors without business. Unless he should at a future stage of the proceedings hear this proposition supported upon grounds more satisfactory and convincing he should feel it to be his duty to move an amendment in committee upon the bill, limiting the appointment to a single additional judge instead of two; and though open to conviction he would say that the hon. the Attorney-General must clearly make out his case before he could acquiesce in the plan for appointing two new judges, and as a consequence, two new courts. Now, as to the constitution of the additional court of equity, and the judges appointed to preside in it, he would just remark that the creation of a new equity court, and the appointment of the Vice-Chancellor to preside over it, had been occasioned by a very general complaint against the procrastination of business at that time in the existing equity courts, and as it was admitted there was much to be done by the judge who was an eminent Chancery barrister, a salary was annexed to the situation of 6,000*l.* a-year. Considering this judge was to sit in judgment upon causes of great importance, and take upon himself the duties of the Lord Chancellor, so far it was only proper he should have a high salary proportioned to the dignity of his station in the profession. He had heard that it was intended by the provisions of this bill to reduce the salary of this efficient judge to 2,000*l.* a year. Now he must say that the duties of this judge were so heavy and onerous, that it would not be worth any competent equity barrister's while, to retain the seal on the reduced salary. He should, therefore, strongly recommend, that the salary should not be lowered. If the appointment of a new judge took place, he should also say

give such judge a salary fully adequate to the sacrifice he must make in respect to income, and fully proportionate to the duties of the station he would have to fill; and if the appointment were made, as it ought to be made, out of that class of barristers who were equity lawyers, competent to the task, he was satisfied the proposed salary was, taking it at 5,000*l.* or 6,000*l.* a-year, not too great. There was another part of the measure to which he entertained a serious objection; it was to that part which proposed that these two judges should be dependent as judges upon the Lord Chancellor. This, he thought, would be extremely injudicious. Each judge, whether there were two new judges or one, ought to be altogether independent, in his court, of the Lord Chancellor. The trust already reposed in that great officer of the Crown, was the highest that ever had, he believed, been confided to an individual. The Lord Chancellor had, at present, the power to alter and remodel everything in the management of his court, to reform anything he conceived to be an abuse, and make new regulations from time to time if he thought necessary. Of the extent of his patronage hardly any one in that House could be ignorant. The House should recollect that the course with this great functionary was to send a great many cases to be examined in the offices of the masters of the Court of Chancery. Now, what must be the effect in those offices of crowding them with additional business from the newly-created courts, as must be the case should the two judges in equity proposed by this bill be appointed? In his opinion, those offices would be quite blocked up, and great injury would be done to the administration of justice throughout the country. It was now the imperative duty of the House, with the assistance of those competent to give advice on the subject, to reform the constitution of the masters in Chancery, and the offices over which the masters presided. They displayed, it must be admitted, a want of energy and alacrity in the discharge of their duty, which might be attributed, in a good degree, to their being withdrawn from the public eye. He confessed he should hold the appointment of additional judges in equity as altogether valueless, unless the master's offices, without loss of time, were reformed and improved; and he trusted these small courts, would, like others, be open, not in theory, but in practice, to the inspection and presence of the public. At present the de-

lays in these departments often amounted to an entire and absolute denial of justice. To render the equity jurisdiction complete, it was then, in his opinion, necessary—first, that these offices should be remodelled and improved; and, secondly, the constitution of the courts of equity should be so improved, that the business of appeals should not be materially increased, notwithstanding the addition proposed to the number of equity courts. The lower courts must be improved, but the higher courts must be improved also. Nothing was the subject of greater complaints than the composition of our Courts of Appeal, but if that part of the system were now open to objection, how much greater would be the objection, when they were going to create two new courts of appeal? The composition of the House of Lords as a Court of Appeal was a great anomaly. It owed its establishment to a train of unforeseen circumstances; its jurisdiction was denied in late times by that House, in the strongest terms, and to the extent of committing persons who sought its protection; and though it was ultimately established, they were content to leave their authority in the state they found it. What could be more absurd than that the decrees of a judge who was competent to the performance of his task, should be reversed by a body of Peers, who were entirely ignorant of every matter relating to the administration of the law? Had this practically been the case, the glaring absurdity of the practice would have rendered it intolerable: but the great body of the Peers acquiesced in the decision of the Lord Chancellor; and he was, in fact, the sole judge of appeals in the House of Lords. Was it not, therefore, a most alarming circumstance, that the whole of the appeal business of the empire, might by some of the changes to which that high office was constantly liable, be made dependent on the judgment of a person who might be utterly unable to form a judgment upon the different cases, not because he was deficient in knowledge of the law, not because he was not endowed with the highest qualities which could adorn such a functionary, but solely because he had been accustomed to direct his attention to a different branch of legal inquiry and practice from that of the equity courts, and therefore his mind was unprepared to enter upon a consideration of such subjects. The House of Lords certainly had the power to call in the common law judges, but only to obtain their advice in cases of

difficulty. But no assistance could be required from the equity judges unless they were Peers, and as such had a right to be present. All appeals, then, from the Court of Chancery must be appeals to the Lord Chancellor himself. This, of itself, was a most alarming fact. If a judge in the court below was called on to re-hear a cause, as that cause would not be carried to another tribunal he might change his opinion without any impugning of his judgment, as other circumstances might have been brought to his knowledge; but in a case of appeal from his judgment to a superior court, unless it was a case of some obvious slip, it would be contrary to human nature, to expect that he should reverse his own decision. His authority being impugned before his Peers, he had every motive and every feeling to affirm his own decision. He was, in fact, to all intents and purposes, a party in the cause. If a judge had a pecuniary interest in a cause, he was not permitted to sit in judgment on it; and whilst character and high station were of any value—whilst self-love was an actuating motive in the human breast, the Lord Chancellor, sitting as the Judge of Appeal in the House of Lords would have a much stronger motive than any pecuniary one could possibly be to affirm his own decision. The ancient Grecian had appealed from Philip drunk to Philip sober; but appeals from the Court of Chancery to the House of Lords, were appeals from Philip sober to Philip drunk—appeals from a judge uninfluenced by any motive, with all his passions slumbering, to the same judge, actuated by the strongest possible motives, the passion of self-love, to support his own previous judgment. Such a system could not long be allowed to continue, and he knew, that no one deprecated it more than the present Lord Chancellor himself. The reason why he went so much into detail upon this branch of the subject was, that he might show the House what the general feeling of the country was with respect to the system now in force, and which could not continue much longer, but must inevitably be reformed; and so strongly was the necessity for this reform felt, that no professional man would conscientiously recommend an appeal to be carried to the House of Lords from the Lord Chancellor's decision, if it appeared at all probable that the same individual would preside in the House of Lords at the moment when such appeal should come on for hearing. He had, on a former oc-

casion, when dwelling upon this topic, repeatedly told the House that it was hopeless to expect so much from human nature, as that a judge would pronounce in the court of appeal a decree in the very teeth of his own decision in the lower court, or to suppose that any additional arguments, however convincing, could have the effect of making him willing to reverse his own judgment. In fact, the situation of such a judge was so painful and so anomalous, that every functionary would sedulously seek to be relieved from all possibility of being placed in a similar one. But he was aware it might be urged against this mode of viewing the subject, that there were other persons sitting in the House of Lords, who, from their having formerly held the office of Lord Chancellor, were consequently well qualified to assist in judging appeals, and even to counteract any undue bias which might be betrayed by the Lord Chancellor in favour of his own decrees. He, however, could assure the House that as far as his own opinion was concerned, founded upon experience, he thought that nothing was so dangerous to the interests of justice as that persons sitting in the House of Lords, in their capacity as Peers, in their ordinary garb, divested of all the attributes and responsibilities of legal functionaries, should interfere actively in the decision of appeals. A person so circumstanced could never be considered to act under any responsibility as to the mode in which he exercised this most important office. He was not like a regular judge, clothed in all the authority of his office; it was not an act of duty that such persons performed, for no such duty was imposed upon them, and there was nothing he so much objected to as such a mode of deciding an appeal, although there would probably be no man whom he would be more desirous to accept as judge in his suit, if the same individual were to pronounce his decision in the regular exercise of his functions. He would remind the House also of the arrears of judgments in appeal cases in the House of Lords, as shown by the returns which he had moved for during two preceding Sessions of Parliament. At the end of 1839 there was an arrear of seventeen cases which had been duly heard before the House, and which were waiting for judgment, and at the end of the previous Session there were sixteen similar cases. Last year there had been an arrear of forty-two cases, all of which had been disposed of except three. This system was

highly disadvantageous to the suitor, and it arose solely from the complicated nature of the Chancellor's duties. The proposition which he had to make for the purpose of obviating these evils was a very simple one. He did not consider it was right to leave all the heavy business of hearing and deciding on the appeals to the House of Lords upon the shoulders of the Lord Chancellor. Nor, as he had already intimated, did he consider it right that an appeal from the decision of the Lord Chancellor should be judged by the same individual, sitting in his capacity as president of the High Court of Appeals in the Upper House. Such a proceeding amounted, in his opinion, to a denial of justice. It was not his desire to add to or diminish from the influence of the House of Peers. Looking at that House politically as well as in its judicial capacity, he was not disposed to do any thing by which either could be impaired. He looked upon its exercise of the highest judicial functions in the realm to be essential to the maintenance of its dignity. But he was prepared to give the Lord Chancellor the highest order of assistance that it was possible to give. He would not disturb the present jurisdiction of the House; he would leave it as at present; but he would appoint two equity judges, giving them the same name as was conferred upon similar persons in the bill proposed by Lord Langdale, or he would style them the Lords' Assistants to the House of Lords, in cases of appeals. If such functionaries should be Peers, they would of course have a voice in the decision of the cases, but if they were not Peers they should have no voices, but at all times sit there as judges, give their opinions and act as such, and of course in all cases possess the weight and authority of that high office. Such an addition to the judicial establishment of the House of Lords as that which he proposed would at once have the effect of doing away with all the anomalies at present complained of; and he conceived the decisions of the Upper House would greatly increase in weight and authority. He would, moreover, add to the power at present enjoyed by the House of Lords, of calling in the common law judges to aid them in their deliberations, by giving that House the faculty of calling in the equity judges also; nor did he suppose that such a power would be objected to by the House of Commons. It could not be forgotten that many attempts had been made to improve the pre-

sent system, and that some had emanated from the House of Peers itself, but even that House had as yet been unable to adopt any plan that had been proposed. He, in the year 1830, had himself proposed a plan for the creation of what he had called a Court of Equity Exchequer, to be composed of the Lord Chancellor, a new judge to be appointed, the Vice-Chancellor, and the Lord Chief Baron; but that plan was not persisted in. In the year 1833 Lord Brougham laid on the Table of the other House of Parliament a bill to appoint a chief judge in equity, and to reserve to the Lord Chancellor all his political functions, his judicial character in the House of Lords, and all his legal patronage. That bill was not approved of, and consequently dropped. In 1835, Lord Brougham brought forward a new plan more objectionable than its predecessor, by which it was proposed to refer all matters of appeal to the Judicial Committee of the Privy Council. In 1839, the question was fully debated in the House of Lords, when the plans submitted by the present Lord Chancellor and Master of the Rolls came under consideration. The Lord Chancellor's plan was like that of 1833, which had been proposed by Lord Brougham, with the further provision that the new chief judge in equity should be the permanent president of the Judicial Committee of the Privy Council. That plan had, however, not been approved of by the House of Lords, and was rejected. In the plan of Lord Langdale he could not entirely concur, although he had the greatest respect for the authority and opinions of that noble and learned Judge. All these plans, therefore, having in some measure failed, he would now submit to the House the remainder of his proposals. His plan would add nothing to the House of Lords, nor would it take anything away. He would take away no part of the jurisdiction of the House of Lords, nor would he add to it; but he would endeavour, as far as it was in his power, to amend and improve it. The remaining part of his plan had reference to the Privy Council, which, as at present constituted, was liable to the most serious objection. In that body there was no fixed judges, the time of its sittings was uncertain, and no one could be sure of the same judges sitting to hear the whole of an appeal. He deprecated delay as much as any one in the administration of justice, but he equally deprecated too hasty a decision; and the Privy Council, as it stood at

present, might, perhaps, be liable to that objection. There was no court which had to decide upon more important or more varied questions, embracing every sort of law. Questions in the Judicial Committee had to be decided by the civil law of this country, by the Dutch law, the Spanish law, by the laws of the East, by the old Norman law, and by the different laws existing in our various colonies; yet, in that court, where such important, varied, and complicated questions had to be tried and decided, there was no fixed judge, no head of the court, nor were there any fixed hours of sitting. Even when the judges could attend it was impossible to know beforehand when they were to sit, and the consequence too often was, that no cases were ready or in a state to be brought on. When a case was ready they had often to send to Westminster-hall to beg the attendance of a judge to make a court, and much delay and disappointment was the result. During last year there were only eighteen days of sitting, while the appeals to be tried were of the greatest importance, involving property to a very large amount. In short, the Judicial Committee of the Privy Council, as at present constituted, sat in a manner which was disapproved of by the whole bar. Taking this view of the matter, he proposed, in order to have a regular court in the Privy Council, and an appointed head, as well as regular and fixed sittings, that the two judges whom he proposed as assistants to the Lord Chancellor should, when they were not occupied in the House of Lords, sit in the Judicial Committee of the Privy Council; and, if that plan were adopted, there would be sufficient time to decide on all the appeals which came before them. He would further propose, when those judges sat alone, and when any difference of opinion on any point arose between them, that the matter in dispute should stand over to be heard and decided by the Lord Chancellor. Such was the outline of the bill which he proposed to ask leave to introduce, not in opposition to the bill of his hon. and learned Friend, but in addition to that part of it which provided for the appointment of two additional judges. He had only one other observation to make. If the House of Lords and the Judicial Committee of the Privy Council were to be made really available for the administration of justice, it was necessary that the proceedings should be differently conducted from the manner in which they were conducted at present.

He thought it was necessary in the House of Lords to remove the clerks from the table, so as to have the judge immediately before the bar, and without anything to interrupt his view of those who were pleading before him. In the Judicial Committee the judges ought also to be in the face of the bar, and he thought a long table ought to be used instead of a round one. These, no doubt, were minor matters, but he was inclined to think that there was more importance to be attached to the form of a court than most persons were willing to allow. He should offer no factious opposition to the bill proposed by his hon. and learned Friend, but, on the contrary, he should give him all the assistance in his power. When his hon. and learned Friend obtained leave to bring in his bill, he (Sir E. Sugden) should then move for leave to introduce his bill, so as to have both bills before the House at once, and so as to enable hon. Members to decide upon their merits.

Mr. Lynch said, he would draw the attention of the right hon. Gentleman opposite, to the evidence which had some time ago been laid before that House, with respect to the business of the Court of Chancery. By that it appeared, that out of 1,068 causes instituted in that court, 300 only had been set down for hearing, and out of those 300, only 180 had been actually heard in one year. What would the right hon. Baronet say about the disposition of the other 120 causes then remaining? It could hardly be contended for but that some of those, nay, the greater number of these, were causes of compromise. Thus, the right of the client was turned often into a right of reversion, and not a right of possession. He contended, that these 120 causes alone would be quite sufficient for a single additional judge to dispose of in each term. There was at that moment a large arrear of causes in the Court of Chancery. Under all the circumstances, he thought there had been established sufficient grounds for the appointment of an additional judge. The right hon. Gentleman opposite himself had stated that the arrear of causes at present in the Rolls' Court alone amounted to 455. He thought it might even be estimated at 500, and that that would be nearer the mark. He would ask his right hon. and learned Friend what had been the standing of that arrear? They had been told the arrears of the

Rolls' Court, but not that of the Vice-Chancellor's Court. His right hon. and learned Friend might have told them that the arrears of causes were standing over in the Vice-Chancellor's Court for three or four years. Was he then to be told that they were to have only one judge? When his right hon. and learned Friend, in 1830, had himself proposed to increase the number of judges, the business was not so heavy as now. He did not now think of the transfer of the business of the Court of Exchequer to the Court of Chancery. His right hon. Friend admitted that the present judges were overworked; that they could not do more than they were doing; yet his plan would have the effect of throwing additional business into the Court of Chancery. Now, one of the great evils in that court of which he had to complain was the great delay which took place in it. If the judges were pressed upon in the manner which his right hon. and learned Friend said, they should have some way of getting rid of the great quantity of business thrown upon them, and how did they do that but by referring to the masters many things which they ought to decide themselves, and thus in a manner creating a number of new judges themselves. There was another great evil arising out of this want of sufficient judicial power to which he should allude, and that was, that the judges were often obliged to give their decisions in such a hasty manner, that the registrars could not take down their judgments with sufficient correctness, and the consequence of this was, that motions had frequently to be made in the court to rectify any inaccuracy that might occur. Then there was always an increasing number of motions and applications to be made, arising out of the very causes before the court. Money was to be drawn out, or it was to be lodged in court; or parties were dying, or marriage settlements were required to be made, bankruptcies or insolvencies were taking place; and all these created expense and additional delay. Now, when all these things were taken into fair consideration, it was impossible for any one to contend that two additional judges were not necessary. It had been said, that the arrear of business was decreasing at present,—that it was not, in fact, as great as it had been last Trinity Term. Now that decrease in the arrears arose from the fact, that the Lord Chancellor had been enabled to hear

original causes since and during last Michaelmas Term; but he would venture to assert, that his Lordship would not be able to hear an original cause until next Trinity Term, and so the arrear must be as great, if not greater, next Trinity Term than it was last. The Vice-Chancellor had only been able to hear forty-seven causes during the year, in consequence of the great number of motions which had come before him. The immense number of railways proposed to be made of late years had been one great cause of an immense number of motions, injunctions, and several other proceedings in the Court of Chancery, and he was told that a great number more of railway bills were likely to be brought in during the present Session, which would, of course, increase considerably the business in the court. If they looked back to the historical authorities, and examined into the demand for judicial power which existed so far back as the time of Lord Hardwicke, it would seem that one judge and a half, if he might say so, or even two judges, were occupied by the business of the court then fully. Both the Master of the Rolls and the Lord Chancellor had been fully occupied in hearing original causes. In their time the average number of petitions in the year had been about 400, and the number of original causes 370. At present there were, in every year, about 2,700 petitions. If it was necessary to have one judge and a half, or two judges, then he had no hesitation whatever in saying, that they ought to have four judges now. His right hon. Friend complained of the number of judgments left in arrear by the present Lord Chancellor, notwithstanding his great labour, and his assiduous exertions. He complained that the Lord Chancellor had left in arrear sixteen judgments in the House of Lords, and twenty-three in the Court of Chancery. But how would the right hon. Gentleman remedy the evil? By separating the onerous duties at present attaching to the office of Lord Chancellor? No; he would retain the political character, and the judicial functions combined in one person, but proposed to give the Lord Chancellor two assistants in the House of Lords, who were to be present when he was able so to abstract himself from the Court of Chancery, and from his political duties, as to attend as a judge in appeal. The duties would never be efficiently performed until two regular assist-

ants were given in the Court of Chancery, and the political functions of the Lord Chancellor were separated from his judicial duties. Would his right hon. Friend bring forward that plan, or would he support it in the House? If not, his proposition would in no way remedy the evil. His right hon. Friend had very properly remarked upon the inutility of appeals from the Lord Chancellor in the Court of Chancery to the Lord Chancellor in the House of Lords; but he would remind his right hon. Friend of a case—"Wright v. Atkins"—in which the Lord Chancellor had changed his opinion upon having assistance there. Now what he recommended was, that the assistance in the Court of Chancery should be regular and permanent, not casual; without that nothing effectual could be done either for the suitor or the court. These were the observations which he thought it his duty to submit to the House on the present occasion, reserving to himself full power of moving at a future time any amendments upon his right hon. Friend's proposition, as he should think proper to submit, and giving full support to the bill of his hon. and learned Friend the Attorney-General, which he thought necessary, whether his right hon. Friend's bill passed or not.

The *Attorney General*, in reply, said, that the vast number of causes in arrear was of much less importance than the period which elapsed between the setting down and the hearing of a cause; with respect to which, the accuracy of his statement could not be controverted. It was satisfactorily proved, before the Lords' Committee last Session of Parliament, that by increasing this period the arrear of causes would be diminished instead of being increased, from people in despair abstaining from filing bills, and from deaths, insolvencies, and compromises before a hearing could take place. Extend the period to fifty years, and you would have no arrear at all, as there would then be a universal, as there is now a partial, denial of justice. He maintained the necessity of two new judges, and thought it not improbable that the exigencies of justice might soon require a greater number. It had not been disputed that in the numerous cases of an equitable demand under 100*l.*, there is no practical remedy, and it was not pretended that such a reproach was permanently to be affixed to the administration of justice in this country.

Railway controversies instead of being at an end, as was supposed by his right hon. and learned Friend, he believed were only beginning. With respect to the hearing of appeals in the House of Lords, he had probably had more experience than any other man at the bar, and he must say, that the system though liable to theoretical objections, upon the whole had worked well, and had given satisfaction to the public. He had pleaded in the House of Lords often before Lord Eldon, Lord Lyndhurst, Lord Brougham, and Lord Cottenham, and with the assistance they commanded, he must say, that their decisions, whether affirming or reversing, left no just cause of complaint to the suitors. Whether in case of reversal or affirmance, reasons were uniformly given, showing that the presiding judge had minutely attended to the case, and the arguments on both sides. He was bound to say, that the judicial functions of the House of Lords had been satisfactorily exercised. He admitted, that something must soon be done to improve the judicial committee of the Privy Council. The voluntary principle did not answer for a court of justice, and instead of sending round Westminster Hall (often in vain), to solicit the attendance of judges at the Privy Council, a judge or judges must be appointed, whose principal duty it would be to attend there at stated periods. He was much afraid, however, that the Lords assistants of his right hon. and learned Friend, would never take places either in the House of Lords or in the Privy Council. At the same time, he should offer no opposition to the bringing in of the bill, and should be glad to lend his assistance in furthering the laudable object which it had in view.

Leave was given to bring in the bill for facilitating the administration of justice. (No. 1.)

On the motion of Sir E. Sugden, leave was also given to bring in his bill for Facilitating the Administration of Justice in the House of Lords and the Privy Council. (No. 2.)

EAST AND WEST INDIA RUM.] Mr. *Labouchere* said, it might be for the convenience of the House, that he should state, that he was not about to ask Members to express any opinion which would be binding upon them in future stages of the question which he rose to bring forward. It

had been pressed upon him by many Gentlemen, that it was desirable that the measure should be explained to the House with the substance of the resolution he meant to propose, for some days before they were called upon to decide upon it, and he willingly acceded to a course so proper in itself. It was his intention, therefore, then to make a statement of the grounds upon which, on the part of the Government, he was prepared to recommend an alteration of the duties affecting a portion of the produce of our colonial possessions, and then to move—not that the House should go into a committee to agree to a resolution, which would bind them in future, but “that the House should on Monday next resolve itself into a select committee, to consider so much of the said Acts regulating the duties on rum.” The object of the measure which he should propose for consideration was extremely simple—it was to equalise the duty on rum, whether the produce of our West-India Colonies, or of our possessions in India, and to obviate the anomaly, that whereas the law allowed sugar from our West-India colonies and sugar from the East to be introduced at an equal rate of duty, yet it placed a differential duty upon rum, although rum and sugar were equally the produce of the cane. His object was, to allow rum as well as sugar to be introduced from our East-Indian possessions at the same duty as that from the West Indies, and he thought the proposition in itself so just and reasonable, that our eastern possessions should be under no disadvantage compared with any other portion of the British dominions as to the produce of the sugar cane, which was the great staple article of their cultivation, that the whole burden of proof lay upon those who would resist a measure which was *primâ facie* so just and reasonable. He would remind the House, that early in the last Session of Parliament a petition was presented, which both on account of the quarter from which it proceeded and the question of which it treated, was entitled to the greatest attention—he meant the petition from the Directors of the East-India Company, not only in their own name, but in that of the great empire whose interests were so closely connected with theirs, complaining of the injustice to which they considered that great empire subject, compared with other colonial possessions of her Majesty. On that occasion although he could not recommend to the House the adoption of the resolutions proposed by the chairman of the

board of directors, and although there were some things which he thought required investigation, yet in the principle propounded—the right of India to be treated as favourably as our other colonial possessions—he was ready to give his unqualified assent; and when the hon. Gentleman said, that inquiry would be best conducted by referring the petition to a committee of the House, he said, that he should not offer any opposition on the part of the Government, but that he should consider it his duty to look into the petitions, and whatever he could with propriety recommend to the House he should be happy to do. In redemption of that pledge he brought forward this proposal. The duty now operated to the exclusion of East-India rum from the markets of this country—this was one of the points most prominently put forward by those who represented the East-India interests, and it was one of the subjects referred to committees of the Commons and the Lords. The committee of the Lords had alone as yet reported; and although in some particulars he was not supported in his present proposition by that report, yet so far as the principle was concerned he was completely supported; for the Lords, in their report, stated, that they considered it proper, on general principles, that rum from the East Indies should be placed on the same footing as rum from the West, but that there was something in the existing state of transition in the West-Indian colonies which would render it harsh to admit East-India produce on an equal footing at the present moment. [“*Hear, hear!*”] He could assure the hon. Gentleman who cheered him, that he had given the utmost consideration to that point; for it was not enough to lay down general principles, but we should consider the time and mode of applying them, and examine whether there was any degree of suffering any peculiar hardship—in any portion of our dominions, which required that they should not be pressed at the present moment. If he were not satisfied, not only that his proposition was just and equitable in itself on all true principles of commerce and of colonial policy, but that it would not have the effect on the West-Indian colonies which was apprehended—if he were not prepared to prove, that there never was anything in the world so exaggerated as the fears of those who had advocated the West-Indian interests before the Commons and the Lords, on this question, and to prove, that if the House agreed with him

on the principle, that the measure ought to be carried into effect, there was nothing in the present circumstances of the trade in rum, or in the present state of the West Indies, to prevent its being done, but, on the contrary, that the present moment was a very proper opportunity for doing it he (Mr. Labouchere) would not advocate it. Of course, the question of rum was very much mixed up with the question of sugar. If the effect of equalising the duties on rum would be to facilitate the produce of sugar in the East Indies, and to send it in greater quantities to the British market, there was no one who had paid any attention to the state of the sugar market for the last year, to the high price of the article, the loss to the revenue, and the very great privations endured by many on account of that high price, but must admit it to be the duty of that House to adopt any measure which would enlarge the supply of sugar—not from slave-growing states or foreign nations, but the produce of free labour, whether in the east or the west. He said, therefore, that if the argument with which he was to be opposed was, that he was giving an additional stimulus to the production of sugar in our East-Indian possessions, and thereby doing an injury to the West-India Colonies, he was confident, that the House would not listen to that argument, but would agree with him, that it would be most desirable to facilitate and increase the supply from the East Indies. But he confessed he could not believe, that such would be the result to any great extent. He wished he could believe, that the success of this proposition would be the augmentation to any large amount of the quantity of sugar produced in our East-Indian possessions. He could not think it would be so, but he mentioned it to show that any argument against his proposition must be founded, not on any general view of the principles of trade, but upon the ground that there were some special circumstances which would render it injurious to the West-Indian colonies to admit East-Indian sugar at the same rate of duty. It had been said that the rum would not be received from the West Indies, in the same manner as sugar was now received. Of course, in order to that it must be proved that there must be some sudden and great falling-off in the produce of rum in the West Indies, if his bill should be carried—that the market in this country would be suddenly affected injuriously to the West-India liquors. If the House would bear with him, he

should be able to lay before it facts connected with the rum trade and the British market, to show how futile was this apprehension. There was this material difference between the supply of sugar and that of rum at this moment. It was well known that the supply of sugar, which was now admitted from the East and West Indies, was still very inadequate to the ordinary wants of this country. The consequence of course was, that the price of sugar in this country, thus admitted, was much higher than the price of sugar abroad. There was a great difference in the price between a pound of sugar admitted for consumption in this country, paying duty, and a pound of sugar from Cuba or the Brazils, coming into this country, and which must be re-exported elsewhere. Nominally, the West Indies enjoy the same monopoly in sugar as in rum ["No."] The hon. Member would see from the facts he should lay before the House that it was so. The East and West Indies between them were not able to send as much sugar to Great Britain as the market would consume; whilst the West Indies alone were able to send into this country a very considerably larger quantity of rum than the market here was able to take off. What was the consequence? Why, that the surplus was exported to the markets abroad, in the north of Germany and elsewhere. What followed from that? Of course, the price of rum, even in the English market, was governed by the price the surplus fetched in the third market, where the West-Indian rum had to contend with foreign rum. The House would see that sugar in bond varied much in price, whether it was or was not admissible for consumption in this country. But in rum in bond there was no such difference; or, if a difference, one of a very trifling kind; and East-Indian rum could be sold in bond without paying duty, at the same price as rum from the West Indies which was in bond, at the option of being exported abroad. In the last navy contract there were 100,000 gallons of rum, 50,000 of which were from the West and 50,000 from the East Indies; and it was got at precisely the same price. He mentioned this to show that there need be no apprehensions if the duties on East and West India produce were equalised. It had also been stated, that the immediate result would be a falling-off in the price of West-India produce, and an injury to the West Indies. But he could not see that that would be the case; on the contrary, he contended that

what was at present a merely nominal advantage, might become a real advantage. It might be asked, if it were no loss to the West Indies, how could it be a gain to the East Indies? He admitted the importance of this argument; but, at the same time, it generally happened with those restrictions, that the inconvenience, on the one hand, was greater than the convenience on the other. There was one mode, for instance—the present rate of duties had operated unfavourably to the East Indies—he meant with regard to the finer qualities of rum. The rum that was exported from this country was almost entirely of a coarser description, and the finer qualities, chiefly produced in Jamaica, had a monopoly in the English market, and consequently, at present, there was no temptation to the East Indies to produce finer. If they would equalize the duties on East and West India rum, they would offer an inducement to the East-Indian cultivator to improve his article. This being a work of time, no one could say that it would produce injurious effects to the West Indies, and no one could say but that the East Indies were entitled to it as well as the West Indies. What he was particularly anxious to call hon. Gentlemen's attention to was, that some reasonable proof should be given that the change he was asking them to make would inflict a sudden and serious blow on the West Indies. He thought the House ought to require that proof. It ought not to be upon vain apprehensions or mere allegations that the House should be prepared to refuse that which no man could deny was, upon principle, a measure of justice to the East Indies. They ought to be assured that these were well-grounded apprehensions, on the part of the colonists, in reference to a measure which, on all general principles, was just and fair towards the East Indies; for he could not help observing, that any one who had attended to the evidence before the Houses of Parliament would see with how much heat, on both sides, the question had been discussed, and especially with what eagerness it had been urged by the East Indians. They were told that it was much felt in India, that it was a question of feeling, that there was a general idea, not only among the English population in the East Indies, but also among the native population, that in our commercial regulations we went out of our way to inflict injury and disadvantage on the East Indies. When he talked of public opinion as connected with the East Indies, he was

sure no one acquainted with the subject would say it was an improper expression, for there was an increased feeling and intelligence among the inhabitants of that country, which enabled them to discuss questions of this kind; and the House ought to see that there was a good and solid reason for refusing a boon of this description, urged upon them as it was by those who were best able to speak upon it, the court of directors in this country—they ought to see that they were going on a broad and solid foundation, in refusing an application of the kind. He would now read to the House a statement of figures, which would put hon. Members in possession of the fact that there was rum imported from the West Indies alone more than sufficient to supply the British market, and that a large surplus was annually exported to foreign countries, where it had to compete with rum from other countries, by which means the monopoly price in England was entirely destroyed. The right hon. Member quoted the following—

STATEMENT OF THE QUANTITIES OF RUM IMPORTED INTO THE UNITED KINGDOM, DISTINGUISHING THE IMPORTS FROM THE BRITISH WEST INDIES; ALSO OF THE QUANTITIES ON WHICH DUTY WAS PAID, AND WHICH WERE RE-EXPORTED, DURING EACH YEAR, FROM 1833 TO 1839:—

Years.	Imported.		Paid Duty.	Re-exported
	Total from all Places.	From the Brit. W. Ind.		
	Galls.	Galls.	Galls.	Galls.
1833	5,146,877	5,109,975	3,492,133	1,834,206
1834	5,159,489	5,112,309	3,345,177	1,642,282
1835	5,540,170	5,453,317	3,416,966	1,678,374
1836	4,993,942	4,868,168	3,324,749	1,279,845
1837	4,613,095	4,418,350	3,164,255	1,174,273
1838	4,912,227	4,641,212	3,135,661	1,134,436
1839	5,477,669	4,021,821	2,830,263	1,155,753

Besides this, there was a quantity of rum delivered for the use of the navy, and for ships stores during the same years as follows:—

	West India.	East India.	Total.
	Gallons.	Gallons.	Gallons.
1833	800,850	..	800,850
1834	790,398	..	790,398
1835	672,661	..	672,661
1836	815,928	..	815,928
1837	707,746	..	707,746
1838	690,492	3,978	694,470
1839	634,470	87,998	722,468

The point he wished to establish was,

that throughout the whole course of these years there never had been a year in which there had not been a much larger quantity of rum brought from the West Indies alone than could be consumed in the English market. The consequence was, that a large surplus was annually re-exported to other countries, chiefly to the north of Germany, where it met with rum from the East Indies, Cuba, and the Brazils, and was obliged to compete with it in the markets there. If his argument was correct, he was at a loss to understand upon what the assertion of the West-India colonists rested, that if there were an equalization of duties upon the East and West India rum at this moment it would cause a serious loss, and that the present state of the home market for West-India rum would be altogether altered. He now came to a part of the subject which he believed had excited the apprehensions of many, who were nevertheless perfectly satisfied to admit rum which was actually brought from the East Indies, upon equal duties, and who clearly saw the inconsistency and absurdity of saying to the East-India colonists — “We will admit your sugar to come into competition with ours in the home market, but we will not admit your rum.” But, said they, although we are quite willing to take East-India rum, we must be quite sure that it is real East-India rum. What we are afraid of is, that cheap spirit made from rice, and other kinds of spirits flavoured with rum, will be introduced into this country under the cover of imported East-India rum, to the injury of the West-India interest. Persons have also endeavoured to make it appear that it would be injurious to the revenue and to the distillers of this country to admit East-India rum; for the Gentlemen who represent the West-India interest have been vigilant in getting auxiliaries, and they endeavoured to persuade the English distillers that their interests are involved in this question. A more idle bugbear never was attempted to be set up than this pretence, that rice spirit would come into this country. In the first place, he begged to say, that the bill he proposed to lay before the House was not a bill to authorise the introduction of all spirits generally from the East Indies, but only rum made from sugar grown there. And it was his intention, if the House should at a future evening adopt the resolution he should submit to them, to propose that no rum should be admitted into

this country except a certificate were obtained from the importation department of the East-India Company, that it was pure rum made from the sugar cane. The chief commissioner of the customs had told him, that he should feel just as much confidence in a certificate from the officer of the East-India Company, as he should from the Custom-house. Therefore, if any hon. Gentleman was prepared to say, that the certificate would not be worth anything, it must be admitted, that he (Mr. Labouchere) had taken sufficient pains to be satisfied that it would afford the protection required. Besides, it should be borne in mind, that foreign spirit must pay 9s. duty on being imported into this country. It was not very likely that our distillers or agriculturists would be greatly injured by a foreign spirit to be brought in here that was to pay 9s. duty, which was afterwards to be made to imitate a spirit that paid a less duty. He had not received the slightest representation, nor had his right hon. Friend the Chancellor of the Exchequer, from the distillers of this country, to induce either him or his right hon. Friend to believe that there was the least fear of that happening which Gentlemen had endeavoured to persuade the committee would result if they admitted rum, the produce of the East Indies, into this country upon equal terms with the rum of the West Indies—namely, that it would be the means of our being deluged with cheap spirits converted into a species of rum, such spirits having to pay a duty of 9s., and the importation of it to be certified as being *bona fide* rum, and not an inferior spirit. He might further observe, that the strict regulations which were adopted by the revenue officers to prevent the importation of any such spirit would operate as an additional precaution. As it was not intended by hon. Gentlemen on the other side to discuss this question to-night, he did not feel it necessary to make any further observations. All that he was anxious to do was to state generally the grounds upon which he made this proposition: a proposition which he sincerely believed, unless some strong reason were assigned, and some proof given on the part of the West-India interest, that its adoption would inflict a fatal blow upon them, ought, upon the ordinary principles of justice, and of sound commercial policy, to be assented to by the House. The burden of proof against its adoption, most certainly rested with those who opposed it.

As he was not aware of what the nature of that proof could be, he must delay any further observations until he had heard from the hon. Gentleman who more especially advocated the West-India interest, the grounds why they were adverse to the alteration proposed. He could assure them, that if he felt he was, by the course he was now taking, inflicting an injury upon the West-India colonists, no one would be more unwilling to bring it forward than he was, but he was now anxious, that the House should adopt it, seeing, as he did, that there was growing in the East Indies a feeling of discontent with this country, which he must admit, looking at past legislation, was not wholly without ground. He was satisfied there was a public opinion forming itself even among the native population of that country, which, if they cultivated and did justice to, would prove a strong link between it and the British nation: but which, if neglected and despised, would assuredly lead to the most disastrous results. His firm conviction was, that they should cordially, voluntarily, and at once, without waiting for solicitations or petitions from any quarter, show that whatever they could do with justice to the other great interests of the empire, to reduce any inequalities and redress any grievances they might perceive to exist, as affecting the interests and well-being of the Indian population under British sway, it was their pleasure and their delight to accomplish. It was not because there were not so many Gentlemen sitting in that House connected with the East Indies as were connected with other parts of the British empire, that, therefore, that House would so far desert its duty, as not to take as deep an interest in all that concerned the feelings of the inhabitants of the East Indies, as it would in the interests of any other of the British dominions. It was on this account infinitely more than on account of the real value of the present question itself, that he should feel extremely sorry to see the House turn a deaf ear to a proposal which, he was satisfied, without inflicting any injury whatever on the West-India colonists, would give great satisfaction to our fellow subjects in the East. There were other questions connected with the petitions to which he had adverted, upon which there might be other opportunities, in the course of the Session for him to express his opinion. Some demands had been made by the East Indies, which manifestly

involved questions of revenue, he meant the duty upon spices and silks and so forth; but he did not feel that this would be the proper moment to express any opinion upon such topics. There was one subject, however, which, as it could not be brought before the House as a legislative measure, depending, as it did, upon the exercise of the Queen's prerogative, he might, perhaps be permitted to take this opportunity briefly to advert to it. The directors of the East-India Company, feeling that the trade between the East Indies and the great colonies of Ceylon and Australia, was checked, and almost destroyed, by the discriminating duties imposed upon the produce of the East Indies and the produce and manufactures of Great Britain and other British dependencies, had called for redress, those duties operating prejudicially to the East Indies. The question was brought before the Committee of the House of Lords, and that Committee had recommended that these duties should at once be equalized. He must say, that if ever a real grievance were brought under the notice of Parliament, this was one. Was it to be tolerated, that the trade of the East Indies, with some of the nearest British colonies, such as Ceylon and Australia, was to be destroyed by this narrow and jealous policy of the mother country? Was so valuable a trade to be crushed by a system having no just foundation? Was it not a measure of the most obvious policy and justice, both as it regarded Ceylon and Australia, as well as the East Indies, that this state of things should be put an end to? He was therefore, happy to be able to state that it was the intention of her Majesty's Government, by an Order in Council, to do away with these discriminating duties, and to place the duty upon British produce and manufactures and the duty upon East-India produce and manufactures on the same footing. The only cause of delay in issuing this order, had been the necessity of making some alterations in the system existing in Ceylon. As soon as the duties imposed in Ceylon were regulated, her Majesty's Government were perfectly willing to concede that the markets of Ceylon and Australia should be thrown open to the produce of the East Indies, just as they were open to the produce of Great Britain and her other dependencies. The right hon. Gentleman concluded by moving, that the House should, on Monday next, resolve itself into a Committee, to consider so much of the Customs Duties Act (3 and

4 Will. 4) as relates to the duties on rum and rum shrub, the produce of any British possession and within the limits of the East-India Company's charter.

The question having been put,

Mr. *Ewart* would not go into this subject at any length, partly because his right hon. Friend had deprecated discussion on that occasion, and partly because there was a question pending before the House that evening which might possibly disincline many hon. Members from giving that attention to a commercial subject, which it was so well qualified to command. But he must express his regret at the mode of supporting his motion which had been adopted by the right hon. Gentleman. He thought it quite unnecessary upon a measure founded on the strictest justice to argue the question as one which might possibly affect the West-Indian body, or weaken a monopoly which had been so long maintained. The question was one of justice, it was not to be narrowed and circumscribed into a West-Indian question, or a question of any monopoly whatever. He also regretted, that the hon. Gentleman had not made his motion more extensive, and taken in a greater range of commerce. The report to which the right hon. Gentleman had alluded, opened to him a wider field than the one over which he had expatiated. There was the question of extending the commerce in sugar, which now came almost exclusively from Bengal, then was the question of allowing produce growers, in many of our East Indian possessions, to be placed on the same level with the produce of Bengal. The Mysore, too, ought to be placed upon the same footing. Those questions might all have been referred to. He would, however, reserve any further observations which he might have to make upon this subject, until the second reading of the bill. For the present he would content himself with deprecating the course of narrowing this into a mere West-Indian question, and entreating the House, when the subject came again before them, to make the measure of relief as large and comprehensive as the case required. The subject was one of vast importance, not only to the East Indies, but to Great Britain herself, and to the commerce which bound the two countries together.

Mr. *Goulburn* had been taken by surprise by the motion. The report of the

House of Lords was laid on the table last Session, and yet not a syllable had proceeded from the committee of the House of Commons in derogation of the opinion which the House of Lords had expressed. It was impossible for the public to imagine that the first subject to which the petition of the East-India Company had reference, was that which the committee of the House of Lords had declared to be, and which it was expedient at the time to adopt. He said, that those extensive interests which were concerned in the agitation of this question, interests more extensive than those which the right hon. Gentleman had adverted to, must be taken by surprise, and he preferred waiting the time when some substantive step was to be taken. All he would say, on the present occasion, was this, that it was at the present moment of the greatest possible importance—important as affecting the feelings of the inhabitants of the East Indies—important as affecting the interests of the West-Indian colonies, and important as being calculated to affect the great work which was there being carried into effect. At present they were embarked in the discussion of this question, in the absence of that complete preparation on the part of those who were disposed to join in it which he thought absolutely essential.

Mr. *Hume* said, that if the right hon. Gentleman was surprised at what had been brought forward, he was taken by surprise, not because the proposition was so extensive and vast, but because it was so trifling. As far as it went he perfectly accorded with the measure, but it was only one act of justice when many were required. Not only the interests of India but the best resources of England had been injured by the restrictions which had been suffered to remain so long upon commerce. The vast powers of India to promote commerce, and to increase wealth, we by our legislation had actually limited and prevented. India had not had fair play, on the contrary, she had been cramped and confined in the exercise of those ample powers which she naturally possessed for the extension of her commerce. The revenue of India had consequently suffered to so great a degree, that it was scarcely able to meet its increased expenditure. If England had been benefitted, it might be some excuse for this state of things, but England had

herself been a loser by these restrictions. He had therefore expected, that the right hon. Gentleman would have brought forward a much more extensive measure than was before the House. The right hon. Gentleman would find as much opposition to this paltry and trifling amendment as if he had brought the whole question before the House. The time was come when all legislation in relation to our commerce must be reconsidered. He would only at present enter his protest against this paltry way of dealing with the subject, and he hoped that the Government would think it right to adopt a larger measure, more suitable to the requirements of the country, and to the present state of India.

Mr. *Hogg* would not have risen, had it not been to remove an impression which the observations of the right hon. Member for Cambridge were calculated to produce. He had adverted to the report of the committee of the House of Lords, and had stated that the report of the committee of the House of Commons abstained from expressing an opinion coinciding with the Lords. Such a statement might induce the House to suppose, that the committee of the House of Commons had taken into consideration the subject matter of the report, and had determined to make no report, because they were unable to coincide with the Lords. He begged to inform the House, that the subject matter of the report was never once discussed in the committee. The committee was converted into a regular West-Indian committee, and when he argued the question of the report, he was met by this observation,—“How can you report? You have not heard half the evidence. We have witnesses on every subject—witnesses from every West-India island.” He was helpless. Therefore the committee unfortunately arose without making a report, because, up to the latest hour, they were so assailed by witnesses, that it was in vain to make a report. He would make one other observation as to the extent of the measure. As far as he was able to comprehend the feelings of those connected with the West Indies, he was bound to say, that the bill would be hailed with pleasure, and received with the deepest gratitude. A more extensive measure might have been, and he hoped would ere long be introduced, but the great and crying grievance, as affecting India, and the consumer, was the question of rum.

Sir *J. C. Hobhouse* expressed his hope, that those Gentlemen who thought this a good measure, although it did not go far enough, still would support Ministers in this good measure. They would bear in mind the difficulties with which Ministers had to contend—the opposition of a formidable and intelligent body. He must remind them, that they had gone further in practice than the House of Lords had recommended, although not in principle, as his hon. Friend very properly explained. As far as the principle went, they recommended this change, and they said in their report, which was drawn with considerable care and dexterity, that the only objection which they made to the change was, that the West Indies were in a state of transition, which induced them not to recommend an immediate alteration. When the discussion should come on every one connected with the East Indies would be prepared to show that this argument would not apply, for there was also a transition going on in the East Indies. As to Ceylon and Australia, Ministers would be prepared to recommend, by an order in council, that the alteration should be made. Considering all the difficulties with which they had had to contend, they had not forgotten their duty. The House of Commons would show, that they were thinking, not of the West Indies or the East Indies, but of what they owed to the community at large; the time was past and gone by when any of the old fallacies would have an effect on the House.

Mr. *O'Connell* said, that he was not going to infringe what seemed to be the tacit agreement, nor to discuss anything which would lead to contention, but on Monday next he would call the attention of the committee to the subject of preventing East-India rum being slave produce, and also to the gross neglect of the East-India Company in following up the Act of Parliament, and in violation of that act, not producing rules and regulations for the mitigation of slavery. On general grounds he, of course, approved of the Government measure.

Mr. *Goulburn* said, that the right hon. Gentleman proposed to put East-India articles on a footing with West-India articles, to which, of course, he supposed nobody would object, but did he propose to put the produce of the West Indies on the same footing as the produce of the East Indies, in those colonies in which an

advantage was given to the produce of the East Indies over those of the West Indies?

Mr. *Labouchere* was understood to say, "Certainly, if the right hon. Gentleman referred to Canada."

Dr. *Lushington* quite agreed with the hon. Member for Dublin as to the absolute necessity of excluding from the equalisation any produce which might be the produce of slave land. Not only did he concur in that opinion, but he must say, that he went further; because, attached as he was to the great principles of the motion of his right hon. Friend the President of the Board of Trade, yet he thought they could not, either with justice to the West Indies, or with due regard to the great principles laid down in that House from time to time, allow the East-Indian produce to be placed upon the same footing with the produce of the West Indies, unless the whole system of slavery existing in the East Indies were altogether extinguished. It was not extinguished—it was not extirpated—it continued to flourish, not only as a domestic system of slavery, but by the import of slaves up to that very hour. In 1833 his noble Friend Lord Glenelg, when he brought in the bill respecting the Company's charter, introduced a clause putting an end to all slavery in the East Indies, and that clause passed the House, he believed, without a single dissident. Nor was it then hastily or rashly determined upon; the most eminent men connected with the subject were consulted, and the noble Lord was informed that it would be perfectly safe, therefore the clause was carried. It was true that the Lords threw it out, but they did not do so upon principle, they wanted to have further evidence on the subject. It was his intention to ask the right hon. President of the Board of Control to produce all the papers on the subject in order to know what steps the company had taken to carry out the intentions of that House, or whether they had done anything after obtaining a full knowledge of the proceedings of that House. He thought the House would never consent to allow, in the face of all its most solemn declarations upon the subject of slavery—it never would allow those principles to be set at nought in our Eastern dominions. He would say, put the East Indies on the same footing with the West Indies in respect to slavery—let slavery be extirpated,

and he would go farther than his right hon. Friend, and say, give justice to the East Indies not only in the articles of sugar and of rum, but in every other production. He would move for some papers, and on them he would be prepared to ground a motion for the total abolition of slavery.

Mr. *Brocklehurst* stated, that the hon. Member for Beverley had assigned, as a reason why the committee had made no report, the apprehension of a still further mass of West-India evidence. Now, according to his recollection, it arose from the lateness of the Session, and a number of home manufacturers, alive to British industry, being anxious to be heard; and it was a singular fact, that in the list of evidence on which the Lords' report was founded, not one witness connected with those interests appeared to have been examined. Still, however, he had no fear but that due protection would be afforded to them in the conflict going on betwixt East and West India points at issue.

Motion agreed to.

REGISTRATION OF VOTERS IN IRELAND.] Lord *Stanley* said, in bringing forward the present motion, I feel myself relieved from the necessity of trespassing on the time and attention of the House at any length, because the subject is not only not new, but I am afraid somewhat too familiar both within and without these walls, and because I cannot believe that the House will in the present Session refuse me permission to introduce a bill founded upon the same principle, and following very much the same provisions as that which, without division, I was allowed to introduce last year; which obtained the support of a majority on the second reading, which was much discussed in its various stages, and which I am almost warranted in saying, but for the lapse of time and delay, would at this moment have been the law of the land. I shall therefore very briefly remind the House of the main provisions of the measure by which I sought to correct certain abuses. It is not necessary for me now to argue them, because they have been admitted on all hands—because all parties of all political opinions considered it impossible that the registration laws, as regards Ireland, should remain as they are. There exists a universal and unanimous belief and conviction, that the abuses stated over and over again to have arisen out of the registration laws in Ireland, are great and

notorious; in fact, that they have become so intolerable, that remedy and regulation are indispensable. The first point to which the provisions of the bill of last Session, which in a great measure obtained the sanction of the House, were directed, was to abolish altogether certificates as evidence of the right of voting. It was considered, that the system of certificates was itself a fertile source of abuse, and of the main evils connected with registration. I proposed in lieu of it no new and untried plan, but to transfer to Ireland the mode adopted in England, by making the right of voting depend upon an annual registration. The lists, we know, are here made out by certain specified officers, and they are revised by barristers, and having been so revised are taken as evidence beyond dispute of the right of the individual claiming. I then proposed to introduce into Ireland another portion of the English system. It was, as in English counties, that any person seeking to obtain the elective franchise should give a certain notice—neither longer nor shorter than in England, and with the same degree of publicity. The simple reason for this was, that objectors, if they thought fit, might come forward to resist the demand of any party claiming to be registered. I sought also, that the registration should not, as now, be confined to what are called quarter-session towns, nor carried on at quarter-sessions, but that the registration should be annual, as with us, and not form a portion of the business of the quarter-sessions. It was not to be carried on before the barristers who now preside in those courts, but was to form the business of a separate circuit. I did not intend to alter the authority, but to change the time, and to afford greater facilities to all parties, by including in the circuits, not only quarter-session towns, but others, and certain assigned districts, according to the discretion of the barristers. But there was also another portion of the bill I brought forward. Conceding, as I am willing to do, to the assistant barristers of Ireland, all competence to discharge their duties, I felt it utterly impossible that the decision of any one individual, however learned and conscientious, ought to be final in determining the right of an individual to exercise the elective franchise. What was the remedy I suggested? The assistant barrister now places on the register the name of any person having the right to vote; and supposing he has been in error, the sole remedy now is most inconvenient,

expensive, uncertain—that universally deprecated remedy, a Committee of the House of Commons, and then only in case of a petition after a contested election. I believe, that on every side it was considered desirable to withdraw this highly objectionable remedy. But if you withdraw this, the only existing appeal, it follows almost as a matter of course that you must substitute some other more proper, more impartial, more learned and more certain tribunal by which a remedy can be immediately applied, which would not be costly, and which would not compel the parties to wait until the occurrence of a contested election. I take it to be universally admitted, that some appeal from the assistant-barristers ought to exist. I found a provision in the law, that in case of rejection, the party rejected might go before a judge of assize; and when this question was discussed last year, many arguments were used, to some of which I was not insensible, with reference to the inconvenience and expense to parties in going before a judge of assize. With a view to these arguments, I anxiously endeavoured to find some court equally learned, equally impartial, equally free from suspicion, which at the same time would afford a cheaper remedy; but I confess that my search was vain. I have heard no suggestion of any court to be substituted for that of the judge of assize, which combined advantages to an equal extent, and free from as many inconveniences. Therefore I still propose that the appeal should be to the judge of assize; but that that appeal, instead of being one-sided only in cases of rejection, should be extended also to cases of admission. But in taking this course, I am anxious to afford some protection against vexatious appeals; and I know of no other mode of giving protection but by enabling the judge of assize to use his discretion in imposing limited costs in the event of an appeal on either side being found vexatious and void of any solid foundation. A serious objection was taken, that a person claiming the franchise ought not to be saddled with costs; but I confess I could see no valid ground for that objection. The two parties, the claimant and the objector, are both discharging a public duty: one insists upon his title to the franchise, and the other comes forward on behalf of the public to prevent a legitimate claimant of that right from being deprived of his right. I see no reason why one side should be favoured more than the other, and I feel it necessary that the check arising

from costs should be applied equally to the claimant and to the objector. But I was struck with one point, which, however, had not escaped my notice when I originally introduced the bill. It was alleged that it was extremely hard that a person who had obtained the sanction of the assistant barrister for his right to vote, should afterwards be subject to costs, because he affirmed the decision of the barrister. The answer which occurred to my mind was, that costs were only to be awarded by the judge when it appeared that the case was frivolous and vexatious. No judge would give costs against a claimant or an objector, if he came forward not only with a plausible, but a substantial ground for overthrowing or affirming the previous decision; but that there may be no difficulty on the subject, I am perfectly prepared, in the bill I wish to introduce, to place some limitation on the subject of costs, and that limitation is, that the party who comes forward to support the decision of the court below shall not be liable to costs in an appeal to the judge of assize. If that alteration seems to remove any ground for complaining of hardship, I shall be very ready to introduce such a provision. We must remember that we do not now stand on precisely the same footing as last year, and I must be permitted to direct the attention of the House to a society formed since the conclusion of the Session. It includes among its members a great number of names of persons for whom I entertain a sincere respect, and for some of whom I feel strong regard. I find among them Lord Charlemont, Lord Gosford, (the noble Mover of the Address on the first day of our meeting), the hon. Member for Armagh, Lord Clements, Mr. Sharman Crawford, and many other gentlemen, of whom I can only speak with respect. That society was formed for the purpose of entering into the details of the registration question, for the purpose of sifting it to the bottom, establishing grounds of objection, if they could be found, to my bill, and of supporting the views of Government on the subject. I speak of the Liberal Association of Ulster, warm friends of the present Ministers, while at the same time they deprecate the agitation of the question of the repeal of the union. Where I differ from them I wish to speak of their opinions with all respect, and where I agree with them I hope I may consider them valuable supporters. I am not to be told that these are men who are extremely illi-

beral—that they profess strong Tory doctrines, because having given some of their names, the House will be aware that such is not the fact. They state in their report that they are in favour of an indefinite extension of the franchise—that they are for vote by ballot, and for shortening the duration of Parliaments; therefore, on points on which I have the good fortune of their concurrence, it cannot be urged as a ground of objection that they are in favour of an illiberal policy. What, then, are the points on which we concur, and what those upon which we differ? Here let me observe that I am anxious to avoid all irritating topics—that I am most desirous of excluding angry feelings from the discussion of this question, but I am desirous also of showing and proving that on the main grounds which were last year made the foundation of imputation and personal acrimony against me, I have, without exception, the concurrence of the Liberal Association of Ulster. My first proposal was to abolish certificates, and the Liberal Association of Ulster express their decided conviction that certificates ought to be abolished. I proposed that the registration should be superintended by the assistant-barristers, and they recommend that precisely that course should be adopted. I proposed that in all cases of claim notice should be given, and notice having been given, that the party should, by himself or by other evidence, substantiate his right to vote. The Liberal Association of Ulster prefers the system pursued in English counties requiring public notice to be given; that body also prefers that the claimant, before he is placed on the register, should appear, and, by his own or other evidence, establish his claim to exercise the franchise. I shall take the liberty of quoting one or two paragraphs from the report of the committee of the Liberal Association of Ulster, because they are strong in favour of the plan I recommend. It was prepared with much care and diligence, and it was read to the general committee on the 19th and 20th of November, 1840, Lord Gosford in the chair. The whole subject is there considered in detail, and the report was printed as recommended by the committee. I think no point was more attacked last year than that of the double appeal to the judges, and on this subject what state the committee of the Liberal Association of Ulster? The committee stated that they considered it objectionable in the first instance that there should be no means of appeal, except to a

Committee of the House of Commons. They could not approve of the English system, which gave no redress either to the claimant, or the objector, against the erroneous opinions of the revising barrister, nor would they approve of the Irish system which confined the right of appeal to the rejected claimant. They, therefore, recommended the formation of a court of appeal, and that a right of appeal upon points of law (matters of fact being determined) should be conferred both on the claimant and on the objector; and further, that the court of appeal should be so constituted that the appellants should have costs at the discretion of the court. Here, then, are three of the main provisions of my bill approved of. The Ulster Association consider it desirable to avoid the necessity of a reference to a Committee of the House of Commons. They agree that no amendment will be perfect unless an appeal tribunal be constituted, and if we do constitute an appeal tribunal, they state that it will be only just that the appeal should lie both ways, and they say that the Irish system is objectionable, because the right of appeal is given only one way, and that the English system is objectionable, because it gives the right neither one way nor the other. I have thus enumerated the points on which I agree with this committee out of the House. We agree upon the abolition of certificates—we agree upon the construction of the court of registry before the assistant-barrister—we agree that there should be an appeal from the decisions of the revising barrister to an appeal tribunal, and that the appeal should lie both ways as a matter of course. We have, then, to all these main points of my bill the assent of the Liberal Association of the province of Ulster. What are the points in which we differ? I have endeavoured to show how much our ground of difference has been narrowed in the present Session. I hope that these differences are a fair matter for calm and temperate discussion, and I trust that they will not cause the imputation to be thrown upon me that I am secretly and coverly destroying the franchise, when I am only desirous of providing a fair and efficient system of registration. The first point of difference between us is, whether the registration should be annual, as it is in England; or quarterly, as it is in Ireland. Upon this point, I confess that I have no hesitation in saying that I have formed a strong opinion that an annual registration is more desirable, and I therefore

propose that the registration should be annual and not quarterly. I do not now wish to argue these objections: I only wish to point out what are the topics which are most likely to be discussed. This point, however, was discussed last year. I do not now stand here as the representative of my own opinion alone upon the question—a majority of the House of Commons during the last year upon a division affirmed the opinion, that annual registration was preferable to quarterly. Now, with regard to the form in which the notices of claim should be given; very much has been said on this point. I have carefully looked over the form, and I have endeavoured, as far as I could, consistently with the ends of justice, to simplify it. But I must absolutely require, that certain particulars should be produced, if upon these particulars is to rest the right of a person to be registered, or of an objector to insist on the removal. Then, as to costs; it is proposed by the Ulster Association, that, in all cases costs should be given wherever the decision is in favour of the party claiming the franchise; it is not limited to objections that may be merely frivolous or vexatious, but if an objection fail, however well-founded it may have been thought by the objector, and from whatever cause it may have failed, it is to be the imperative duty of the magistrate to give the claimant pecuniary costs; not because the objection is frivolous or vexatious, but because it turns out that the objector has formed an erroneous opinion of the law. At the same time, however frivolous or unfounded the claim may be, the claimant may give notice to be registered either at one registration, or at a dozen; however frivolous or ridiculous the claim may be, the claimant is not to be visited with any of the costs to which he has put the objector, who has been obliged to appear over and over again to prove the same case, although the same objector is to be saddled with costs, if he fail, upon any single occasion, to sustain his proofs. Now, I proposed last year that in either case—and my opinion remains unchanged—the claimant or the objector may be fined in costs, not exceeding in the whole 5*l.*, or not exceeding the amount that either party may be actually put to, if less than that sum, if in the opinion of the judge either party shall have given a frivolous or vexatious claim or objection. That provision, I confess, appears to me to be more fair than the proposal of the Ulster Association. There is

another important point to which, as it was raised last year, and as it caused a division, I wish to draw the attention of the House, particularly as in regard to this, as upon all others, I am anxious to meet the views and the wishes of the House. The right hon. Gentleman, the Attorney-general for Ireland (Mr. Pigot) upon the very first clause of the bill, moved to insert certain words, by way of an amendment to the clause. The first clause declared, that from and after the first day of November, 1841, no person should have the right of voting for any place unless registered according to the provisions of the bill. By the bill, persons holding certificates under the present law were not to be called upon again to appear and substantiate their right, but they might be objected to. The learned Gentleman, the Attorney-general, thought that the object of this provision, the protection of the existing voter, should be carried to a greater extent; perhaps he meant to extend it to all persons who should at any time obtain a place upon the register, for he moved to insert these words, that—

“In making the register of votes for any county, city, town, or borough, under the provisions of this Act, the name of every person who, when such register shall be made, shall be registered as a voter for such county, city, town, or borough, shall be placed and retained upon such register, so long as his right of voting as such registered elector would continue under the present law, unless he shall have lost his qualification since he was so registered, or unless he shall have been personally disqualified as such voter or have died; or unless his registry was effected by fraudulent personation.”

This amendment was carried by a majority, certainly not a large majority, of 296 to 289. As on the one hand I have come forward to maintain the views of the majority of the House, when they agree with myself, so I am ready, as far as I can do so consistently with the duty which I feel, to bow to the sense of the House, even though expressed by no large majority, when it is opposed to my own wishes and my own views; but to the extent of what I conceive to be the object of this amendment I cannot concede. By the terms that a party shall be free from objection during the time that he would be entitled under the present law, I know not whether it were the intention of the learned Gentleman, that all parties who should have obtained certificates under the law as it now stands, shall be entitled to vote during the eight years for which the certificates shall have been granted, or

whether it were his intention to carry the protection still further, and say, that no one who shall be hereafter registered shall be objected to except in case of some disqualification arising subsequently to the registration. So far as the first provision goes, I can see a good ground for the distinction, that those who have been registered under the law as it now stands, shall have a right to vote for the eight years of their certificates. I am prepared to admit the apparent hardship of subjecting them to re-examination, although at the same time we confer upon them the right for life, unless they shall be rejected on objection; but if the learned gentleman goes so far as to say, that the voter when once registered shall not be liable to be removed for any disqualification which may have existed at the time of registration, but which may not have been urged in the first instance, I cannot conceive why, because upon a bad foundation, a party has rested a fraudulent vote, and has been once placed upon the register, he should be immoveable. The evils of the present system would be aggravated, for he would remain on the register for the term of his natural life, not because he had ever proved that he had possessed the right to vote, or that it might not be objected that he never had the right, but because, if he were objected to, he might turn round upon the objector, and answer, “True it is that I possess no right to vote, and that I never did, but I defy you to prove that the circumstances have altered since I first registered; you ought to have raised the objection when I was first put on; I do not deny, nay I concede to you, that I had no right then, I have no right now, but, nevertheless, I defy you to strike me off.” That is not an extreme case. I am informed, that it has occurred in Scotland, where the system recommended for Ireland is in existence, where I am informed parties are on the register without a foot of land in the country—who, as all the world know, have not now a foot of land in the country—who, as all the world know, never had a foot of land in the country; and, as they never had any qualification, there could be no change of circumstances since they were registered, so they are now entitled to vote. It is very easy to say, “Yes, but we call upon the voter to prove his claim in the first instance;” one story is good, till another is told. If the person claims in a county where parties are not very closely balanced, or in which there has not been any contest,

we all know that the register is not very closely watched; and that, when there is a prospect of a contest, the parties find that there are numbers of bad votes on the register, the wonder is how they ever got there; but the wonder will be still greater if the Legislature, in its wisdom, shall assist in their retention. All these bad votes will be swept away if the right of objection shall be annual as it is in England. I do not mean to give the right of objection even to the same extent that it is in England, for I propose, for the protection of the voter who is once on the register, that he shall remain so for life, unless some other party shall prove, not only a *prima facie* case, but an absolute disqualification to the party registered being upon the register, and that the objector not establishing his proof, and appearing to have given his notice frivolously, shall be liable to costs. To this extent I am perfectly willing to give protection to the voter; but I cannot carry the protection so far as to say that under no circumstances shall he be liable to objection, unless for matters that have arisen since his registration. Still I am willing to bow to the decision of the House as expressed on the motion of the right hon. Gentleman, if it be interpreted as applying only to persons who, under the existing law, have obtained certificates, having a right to vote for eight years; and with his limitation, I am willing that these parties should remain on the register for the term their certificates now have to run, provided that at the expiration of that term they shall again come forward in the same manner as new voters to be re-registered. I hope, therefore, that I have been able to show that the grounds of our differences are narrowed to the forms of the notice of objection and of claim, to the question whether the registration shall be annual or quarterly—the House has already decided in favour of its being annual; and to the question whether the voter shall be protected against all future investigation of his original title, and whether the objector shall be liable to costs under all circumstances of failure. On another point I shall be enabled, without any sacrifice of principle, to remove an objection which has been made to my bill—I allude to the notice of objection to be given to the party. In my notice, I have followed the English plan; I have copied the notice from the English bill. The words simply are,

“Take notice that I object to your name

being retained on the register of voters for the county of ———.”

That is the English law at the present moment; but in what I now propose I do not take this general notice of objection to a party who has, in the first instance, established his right to vote: I think, then, that the party objecting should state on the face of his notice the nature of the objection, that the party who shall appear to defend his right, if he shall think fit so to do, may be enabled to know the ground on which he will be assailed. I believe that the noble Lord, the Secretary for the Colonies, in an English bill which he introduced last Session, to a certain extent proposed that the grounds of objection should be specified in the notice, the exact form may be subject for discussion; but the principle of giving the specific grounds of objections, I am prepared to admit. And now, Sir, I have literally stated all the differences between me and the Liberal Association. I adhere to the judges of assize as the tribunal to which the appeal should go; but if any hon. Gentleman will show me any tribunal equally impartial, equally able, and less expensive, that tribunal I shall be ready to take; but knowing of none such, I have taken that which I found existing, to which by the law there was an appeal in one case, and which I have extended to both claim and objection; and a tribunal to which it will be recollected Mr. Justice Perrin, then Mr. Perrin, did in this House propose that a double appeal should be given. To another point, it is necessary that I should take this opportunity of adverting, not because it is in the bill, but because it forms no part of the bill. The hon. and learned Gentleman, the Member for Dublin, has given notice that, in case I should not declare his intention to introduce a clause to define the franchise, he will divide the House on the motion for leave to bring in my bill. Now, Sir, I have understood that before I came into the House, the hon. and learned Gentleman withdrew that notice, and stated that he would offer no objection to the introduction of the bill, but that he would move the adjournment of the discussion to a future day. I wish, therefore, to state distinctly, that it is not my intention to introduce into this bill any clause defining the parliamentary franchise in Ireland. I stated in the House last year that I was aware of the difficulties and of the inconveniences which have arisen in consequence of the doubts thrown upon the

franchise; but I stated also that I was aware of the difficulties I should have to encounter if I added the question of the franchise to a subject which is already sufficiently difficult in itself—the question of the registration; and after the fullest consideration, I am still of the opinion that if I wish to carry this bill, or if I wish to carry any bill, I must separate the two subjects. In the course of the last Session the propriety and the prudence of that determination received the approval of the Members of her Majesty's Government themselves, who introduced not one bill embracing both, but brought forward one bill to amend the registration, but reserved the franchise discussion for the consideration of the House in a separate bill. I have not only the authority of the learned Gentleman and of her Majesty's Government, but also of the House itself, for not mixing the registration with the franchise. The matter was introduced, it was argued, it was decided by the House of Commons itself in the last Session, on the motion of the hon. Member for Dublin himself, that it be an instruction to the committee, and that they have the power of defining the right of voting. After discussion, and on a division, the House agreed with me. Of her Majesty's Ministers, the noble Lord the Secretary for the Colonies, the noble Lord the Secretary for Ireland, the Attorney-general, and many of her Majesty's Government voting with me, affirming the prudence of the course I had adopted, of not introducing the franchise question into a bill for registration. The number voting in favour of the instruction was 162, and the number declaring that it was inexpedient that the two questions should be mixed being 311, leaving a majority of nearly two to one in favour of the declaration that it is inexpedient to mix the two. I am far from being unaware of the inconveniences and difficulties arising from the decisions of the judges upon the franchise of late years. I regret those difficulties as much as any hon. Member; I regret that the small number of dissentient judges should not have considered themselves, consistently with their oaths, bound by the opinion of a majority of the judges upon a matter that had been fully considered; but with regard to those inconveniences, and to the decisions of the judges—not meaning to impute any but the most conscientious motives to the minority for adhering to their opinion consistently with their oaths—I am convinced that in the present state of the House, and in the

present state of parties, if I were to introduce a clause defining the franchise, I should be absolutely and entirely debarred, not only from passing this bill, but any bill, in this or any future Session. If I were to introduce a clause defining the franchise as I believe to be right, I could not proceed: and I am sure that if hon. Gentlemen on the other side of the House were to introduce into a bill for registration defining the franchise in any other way than in accordance with that which has hitherto been construed as the law, they would equally fail. I confess, therefore, that I do flinch from the difficulty of dealing with the question of the franchise; for if I did, I might be compelled to postpone a measure already sufficiently surrounded with difficulty. I should but introduce an infinity of additional argument. The Session would pass away as the last did, by the mere efflux of time it would end. I should leave the evils irremediable and unremedied; the abuses of the present system would continue for another year, although they have been admitted in their full extent by all sides of the House, and by men of every shade of political opinion. I, adhering, then, to my first opinion, shall be most willing to discuss the provisions of this bill in the most friendly temper and spirit; I shall respect the arguments of such as may seek to controvert me by argument; I shall readily bow to the decision of the House, if it be not adverse to any great principle of my measure; and, with this declaration, I conclude by moving for leave to bring in a bill to amend the laws relating to the registration of voters in Ireland.

Viscount *Morpeth* said: My noble Friend has shown that he is so much enamoured of the subject to which he devoted so large a portion of his energy in the last Session of Parliament, that he has not been enabled to resist the temptation, although her Majesty's Ministers have given notice, in the very first week of the Session, of their intention to bring forward a bill upon this subject, yet my noble Friend is so enamoured of his success, and so pleased with the reception which his project obtained in the last Session—so delighted with the majorities he obtained—so charmed with carrying twelve clauses in the course of four months, that determined not to be forestalled this year, he rejoices in the pleasure of having the first word. I am not disposed, Sir, to dispute with him that priority. The extremely temperate and moderate observations with which he has

introduced his motion, would not tempt me to do so, and I hope that I should not fail in courtesy towards any Member in this House, and certainly not towards the noble Lord. Considering then that the bill of last Session undoubtedly obtained possession of the House, that it met with what even the noble Lord himself would deem unexpected success, that it drew overflowing Houses, and brought down overwhelming plaudits, I am not now disposed to oppose the motion of the noble Lord for leave to bring in this bill; and I have no doubt that the noble Lord, and that those who support him, will be disposed to make the same concession to me when I shall, on Thursday, move for leave to bring in the measure of the Government. Believing, that I shall then have the fullest opportunity of explaining the views of her Majesty's Government on the subject of registration in Ireland, I do not consider it necessary upon the present occasion to enter into any observations upon that subject. There are only two things arising out of the speech of the noble Lord which I will mention for the sake of obviating any misunderstanding. From the statement of the noble Lord I collect, that although he admits of some alterations and amendments, the main features of his present bill are the same as in the bill of last year. He includes the provision, that the voter should be annually called upon to prove his right to be upon the register, and also the appeal to a judge of assize, both ways, from the decision of the assistant barrister; and he fortifies himself by a coincidence of opinion which he discovers in these particulars with the Liberal Association of Ulster, from the report of whose proceedings, the noble Lord has largely quoted. But I imagine, that upon a closer examination, it will appear, that between the opinions of the noble Lord, and the recorded sentiments of the Ulster Association, there will be by no means found that similarity of view upon which the noble Lord relies. The Association of Ulster do not recommend an appeal both ways, upon matters of fact, as well as upon matters of law; and, above all, they do not recommend a double appeal, without a clear definition of the franchise. If it should so happen that the noble Lord is prepared to take the recommendations of the association of Ulster, there will be less ground of difficulty and dispute between us than we might have been led to suppose. The one other point I wish to observe,

is, that in conformity with the notice which I gave in the early part of the evening, I shall, in the measure which I shall propose on Thursday, ask the House to concur in a bill to determine the qualification as well as the mode of registering the voter, and I hope, that upon that occasion, I shall have it in my power to show to the House, and to show to the noble Lord, in perfect consistency with what I have always said and done before upon this branch of the subject, that we cannot expect any alteration to be satisfactorily complete, not even that which the noble Lord has recommended, and especially not the appointment of any new appellate tribunal, without, in the first instance, defining the franchise. Having stated thus much by way of precaution, and reserving to myself and to my colleagues the fullest right to object to and oppose the noble Lord's measure, I shall not now divide against leave being given to bring in his bill.

Mr. O'Connell: I am in no way bound by any compromise between my noble Friend and the noble Lord. I stand here belonging to no party upon this question. I stand here representing the people of Ireland. I think that the House and the country ought to be somewhat surprised that the noble Lord, in a prepared speech which he had delivered, to make out the strongest case for himself, in order to gain what he said was his end—the prevention of the multiplication of fraudulent voters in Ireland—that was the noble Lord's object—yet that the noble Lord who alleged this has not given the House any evidence, has not adduced any instance, of the wholesale multiplication of votes. The noble Lord did not give any statistics of Irish counties; he did not say that in a county having only 100,000 inhabitants there were 25,000 voters, or 10,000, or 4,000; he did not contrast the overwhelming number of the Irish people who are entitled to the franchise, with the aggregate number of voters; that would have been the way fairly to investigate the subject. The county of Cork for instance has 713,000 inhabitants; there has been a multiplicity of fraudulent voters put upon the register. How many are there? There are 713,000 inhabitants, there are 3,800 voters. The utmost number that can vote is 3,800. Does the noble Lord grudge 3,800 voters to 713,000 inhabitants? Is that his plan? Is this his enormous multiplication of fraudulent

votes? Oh, remedy it. Yes, there is an overwhelming amount; there must be fraud; there must be "villainous perjury" that was the word the noble Lord used last year. [*No, no!*] Perhaps the noble Lord did not say so. The report is not to be believed, then; somebody else said so for him. What is meant by interrupting me? I had beastly bellowings last year—are they to be renewed now? I was proceeding to show what is the state of the registration. The aggregate population of Wales is 710,000; Wales has upwards of 30,000 voters. The population of Cork is larger than Wales, Cork has not more than 3,800 voters, and that is the system of registration that is to be closely watched over. Make the comparison. Tell me after that, whether there is a union between the two countries. I'll not mock you by asking. I call the attention of the House to what has been the noble Lord's sole care by day, sole thought by night; it ends in a miserable abortion. He has completely swindled the people of Ireland out of their votes by the kind of franchise he gave, because it was he who gave it. The mode of registration in Ireland is complained of. To be sure it is. Was not he the author of it? He resisted me when I asked to have the English system introduced. His plan has worked badly. Why? Because we want a definition of the franchise. The moment you define the franchise, that moment you take away two-thirds of the difficulty. Too few now are admitted to that franchise. I shall have an opportunity, and I will go through the counties, and will show the contraction since 1832–33. There were then not registered in Ireland 5 per cent. of the male adult population; in England there were registered 20 per cent. The registry in England has since increased 10 per cent. When we have the returns from Ireland, and they ought to have been sooner produced, they will give a diminution of 20 per cent. Probably, as has been suggested to me by a Friend near me, of 30 per cent. Under such circumstances, the noble Lord presses forward, with a dexterity that is more conspicuous for its cunning than its fairness. The noble Lord the Secretary for the Colonies, gave notice of a bill to amend the English system of registration, which would have been brought on yesterday, except for the accident of their being no House. The noble Lord the Secretary

for Ireland has given notice of a bill to amend the registration in Ireland. That stands in the notice paper for to-morrow. The noble Lord had some gentlemen lurching for him, and the moment they saw the probability of those bills being brought forward, they anticipated them. Why not have given the House and the country fair play, in seeing what the measures were which were to be proposed by the Ministers of the Crown? That would not answer the purpose of the noble Lord. He had his pocket pistol—the report of the proceedings of the Ulster Association, which he used in favour of his own measure. How little did that association know that they were to be met with a total want of candour? They offered suggestions, which I do not think were well considered, and the noble Lord being inimical to the extension of the franchise, threw over the points in reference to the amelioration, as he called it, of the franchise, and met their candour with the full extent of his dexterity. I think that the inhabitants of Ulster did not know the noble Lord quite so well as the inhabitants of other parts of Ireland do, or they would not have enabled him to take advantage of their simplicity. I think it was highly improper to have brought forward the motion in the manner in which it has been placed before the House. We are entitled to have the Government measure fairly before the House, but the noble Lord obstructs the fair consideration of that proposition by the introduction of his bill. For my own part, if I am at all displeased, or feel sorry for any view of the case, it is for the multitudinous attendance on the other side of the House to night. I congratulate the noble Lord on the enthusiasm of his followers, for so he called their attachment last Session. [*Cheers.*] I am glad that I promoted that shout, because it will mark still better to the people of Ireland how little they have to expect. They must rely on themselves and their own exertions, and every act and every exertion to lessen their franchise is a new argument to show that the connection between the two countries is not founded in justice. I think the House should pause, and should not allow the noble Lord to bring in his bill until that of the Government has been laid upon the Table; and I protest against the vexation produced by the measure of the noble Lord, and demand of the House that if we are to be bound

by the union, they will give us the full benefit of it. I say, let them not give us the worst part only of the English registration, but give it to us as it is; and, whether for good or for bad, I am ready to stand by the English system, considering that the union is a binding measure, and that we are entitled under it to English rights and English liberties. I say, do not suffer the noble Lord's vexatious legislation to affect one part of the country and not another. Again I ask, why he does not bring in a bill for amending the system of registration in England? Is not that complained of; and is it not nearer home? Oh! no; the object of the noble Lord is not to amend the registration, but to give a blow to the liberties of Ireland. I am determined to meet him foot to foot, and I move that this debate be adjourned until after the 4th instant.

Mr. *W. S. O'Brien* thought that the amendment proposed by the hon. and learned Member for Dublin was fully justified by the course which had been taken by the noble Lord, because he deemed that course to be factious. As a matter of prudence, however, he recommended the hon. and learned Member not to press his motion to a division. Seeing the array of hon. Members opposite, he thought it would answer no useful purpose to divide the House, and he besides deemed it of the highest importance that a question of this magnitude and consequence should be discussed with as much calmness as possible.

Lord *John Russell* said, I confess that my objections to the measure of the noble Lord of last year have been very little diminished by the statement which he has made upon the subject of his measure of the present Session. It seems to me that, with the exception of some particulars, the main features of the bill are the same, and that they will produce the same calamitous consequences which it appeared to me would result from the bill of last year. I must own, although the noble Lord stated the case very fairly, and I do not mean to impute to him anything but a desire to reform the abuses of Irish registration—it is certainly somewhat singular, considering the abuses which exist in the mode of registration and of voting, and the practice of elections, in England, Scotland and Ireland, and upon one of which in Scotland the noble Lord dwelt in the course of his speech this evening, that he should pass by and neglect all these, and that it should be the abuses

which exist in Ireland alone, which should have called for his especial attention, and should make him so anxious, at the very first moment of the Session, to bring a measure before the House. I must say also, that although there may be many abuses in the system of registration in Ireland, although I cannot deny the statements which have been made as well on this as on the other side of the House, yet that I do view with considerable jealousy and alarm a measure to reform those abuses, which acts entirely by way of restriction. It is to be remembered that the bill of 1829, brought in as a counterpoise to the Roman Catholic claims, was in itself a restrictive measure of disqualification; and it is to be recollected that the noble Lord in 1832, with a view to remedying the existing abuses, brought in a bill granting such additional franchise as he thought necessary, but not altering the restrictions of 1829. And now, after those two measures, comes again a measure of restriction, narrowing the franchise originally granted fifty years ago to the whole people of Ireland. Now, it may or may not be quite proper to make this restriction upon the franchise, and to introduce a bill for the purpose; but it certainly behoves the House to look most narrowly into the provisions of the bill, and so ascertain the general effect of them when taken together. I remember my noble Friend, the late Lord Durham, in discussing some of the restrictions on the franchise of England, which he thought too numerous, and apt to be vexatious, said, by way of illustration, "You may say that every 10*l*. householder shall have a vote, but you may also say that he shall only have such vote on condition of his being able to construe the first book of Homer." This is merely an illustration of the manner in which you may limit what at first would appear a large and liberal measure, and it equally applies to the present question. Now the noble Lord who has introduced this measure proposes to retain the franchise as it exists according to law, but he also proposes that that franchise shall be ultimately determined by a court of law. The ordinary practice, however, of courts of law, according to my observation (and I say this without wishing to impute to the judges any political bias or partiality), but the ordinary practice and tendency of courts of law, and of the highest and most learned amongst them, is generally to restrict the franchise by technical definitions and distinctions which exist either by the common

law or the statute law. Thus, with regard to the largest words and those of the most extended meaning in our charters, such as the words "community," "burgesses," and, as is the case of the "community" of the city of Bath, their meaning has been restricted in the course of time to mean the elective rights of some twelve or thirteen people only. Now, if we are to part with all control in this matter—to pass a bill with the consent of the other House of Parliament, and which can never be repealed without the consent of that House—by which the whole franchise is in future to be defined and settled by the judgments of a court of law, and upon the doctrine of settling the law according to the opinion of a majority of the judges, I can very well imagine that in a short time that franchise would be further limited, until it came to be enjoyed by a very small number of persons. It is very well to say, when a man is not legally entitled to vote, because he has not the estate which the law requires he should have in order to entitle him to vote, and when he has, therefore, been fraudulently placed on the register, that you should provide, by legislative and statutory enactments, that he should no longer continue to hold such a vote; but you should also take care that in raising up a barrier against the fraudulent voter, that you do not also at the same time raise up one against the real and honest voter. Now, there is many a voter in Ireland, not happening to be dependent upon or connected with any strong, wealthy, or powerful landlord, but having his own independent property, who, on reading the acts of 1829 and 1832, conceives himself to have a vote, and goes to the assistant-barrister, who allows his claim. He is, however, appealed against, and he is then put to considerable expense in going before the judge of assize, who may happen to be one of those judges whose opinion is favourable to the nature of the qualification on which his claim is based. So far all would be well. But next year the same process is repeated, and the assistant-barrister may, on this second occasion, still entertain his claim and allow him his vote. On being appealed against this time, however, he may find at the assize-town a judge whose opinion is that he has no vote, and after considerable loss he finds himself deprived of the power of voting. What is the effect of these facts upon others? The neighbours of the voter in question, when they see that a man well known to have suffi-

cient property to entitle him to vote has been caused much trouble and loss of time, and put to considerable expense, by being sent before three or perhaps six, seven, or eight judges, whose decisions have only led to the loss of his vote, his time, his money, and his trouble. These neighbours, although their votes might be excellent in law, and exactly the description of votes which you designed by your law to protect, would become discouraged, and abstain altogether from enforcing their claims. This, I fear, would be the effect of some of the provisions of the noble Lord's bill, and although I do not say that certain cases of fraud do not exist which ought to be corrected, yet I say that you effect nothing by that bill which you might not equally well effect by more simple machinery; and that if you do mean to settle the whole question, I believe it will be impossible to settle it thoroughly, and, above all, to do justice to the people of Ireland, unless you take into your consideration the question of the franchise. Now is it not a great evil that there should be a Lord Chief Justice of the Common Pleas establishing the franchise according to one view of the law, and a Lord Chief Baron of the Exchequer establishing it according to another? And when the noble Lord, entirely pretermitted the case of England and Scotland, has given his whole attention to Ireland, is it too much to ask that he should, in some other bill, if not in this, but especially after what we heard last Session from the hon. Member for Monaghan (Mr. Lucas), who so strongly stated the evils of which I now complain; is it too much, I say, to ask the noble Lord to include the subject of the franchise in his consideration of the question? The noble Lord said last year, that the two questions might very well be separated. I agree with him that it may be a very right course to pursue; it was the course we ourselves pursued last year. But what I say is that you ought not to assume that you are remedying all evils, that you are doing all that is required to be done; whereas the only thing you are doing is to set up a very complex and incomplete system of registration, which will only narrow the franchise to those only who feel the power of a protector who are prepared, as dependents and connections, to go before the registration courts, assured that their costs will be paid, and which will leave no franchise for those who are prudent enough to take care not to ruin their families for the sake of attaining that

which you will have made as difficult of attainment as if they had no claim on the representation of Ireland whatsoever. With regard to the immediate question before the House, I think the noble Lord is quite justified in the course he has taken to-night. If he chose to bring the measure forward, he had a perfect right, according to the forms of Parliament, to give notice of his intention. After the sanction which the House gave to the general principle of the bill last year, I do not think there is any parliamentary ground for opposing his bringing it in, and I shall therefore vote for the motion of the noble Lord, and against any motion in opposition to it.

Mr. *Lucas* wished to say a few words merely in reference to the observation which the noble Lord (Russell) had made respecting himself. He certainly did state last year, and was ready to state again, that he did think it was desirable for all parties in Ireland, that the truth of the franchise in that country should be placed on some more satisfactory basis than the mere oath of the voter. But if the noble Lord imagined that he had intended to express an opinion that his noble Friend would have acted more justly if he had coupled the question of the franchise with this bill, he distinctly disavowed such an opinion. He had never said so; and he certainly was of opinion that, if the noble Lord had done so, he would have opened a Pandora's box, from which discord would have spread on all sides, and at the bottom of which not even hope would have been found to remain. He could, indeed, have taken no course which would have produced so much confusion. It was true his name had appeared to a bill respecting the franchise, in conjunction with those of Sir D. Norreys and Sir Robert Ferguson; but, though he did not complain of its having been placed there, his name was added to that bill when he had left town. Indeed, one of those hon. Gentlemen, in writing to acquaint him with the fact of his name having been annexed to the bill, had jokingly told him that it was a forgery.

Colonel *Rawdon* said, that the noble Lord took great credit to himself for agreeing so much, with reference to the provisions of his bill, with the Ulster Association. He begged to inform the noble Lord, however, that the origin of that association was the noble Lord's bill itself—an origin not founded, too, in any

agreement with that bill, but in opposition to it. He must say that he considered it somewhat disingenuous on the part of the noble Lord to claim this agreement with the opinions of the Ulster Association. A report of that association showed that its opinions, especially with reference to the right of appeal as given in the noble Lord's bill were opposed to his. The association contended that they would grant a right of appeal as to matters of law, but not as to matters of fact; and they were particular in stating, with respect to the question of the franchise, that it should depend on a more simple and uniform test than at present. With regard to these and some other points, the noble Lord was, then, not quite correct as to the opinions of the Ulster Association. By the way, he could not refrain, before he sat down, from congratulating the noble Lord on his new love for associations. He could assure him, however, that the Ulster Liberal Association was decidedly opposed to the noble Lord and his bill.

The House divided on the question of adjourning the Debate:—Ayes 71; Noes 261:—Majority 190.

List of the AYES.

Baines, E.	Holland, R.
Barry, G. S.	Howard, F. J.
Berkeley, hon. H.	Hutton, R.
Bewes, T.	James, W.
Blake, M.	Leader, J. T.
Bodkin, J. J.	Lynch, A. H.
Bridgeman, H.	Macnamara, Major
Brodie, W. B.	Martin, J.
Brotherton, J.	Muntz, G. F.
Busfield, W.	Murray, A.
Carew, hon. R. S.	Nagle, Sir R.
Chapman, Sir M. L. C.	O'Brien, C.
Chichester, Sir B.	O'Brien, W. S.
Clements, Viscount	O'Connell, J.
Collier, J.	O'Connell, M. J.
Corbally, M. E.	O'Connell, M.
Dashwood, G. H.	O'Connor, D.
Duke, Sir J.	Oswald, J.
Duncombe, T.	Power, J.
Dundas, hon. J. C.	Rawdon, Col. J. D.
Ellis, W.	Redington, T. N.
Evans, Sir de L.	Roche, E. B.
Evans, W.	Salwey, Colonel
Ewart, W.	Scholefield, J.
Ferguson, Colonel	Somers, J. P.
French, F.	Stansfield, W. R. C.
Gisborne, T.	Stock, Dr.
Hastie, A.	Strickland, Sir G.
Hawes, B.	Tancred, H. W.
Heathcoat, J.	Thornely T.
Hector, C. J.	Villiers, hon. C. P.
Hill, Lord A. M. C.	Wakley, T.
Hobhouse, T. B.	Wallace, R.

Warburton, H. Wood, B.
 White, H. TELLERS.
 White S. O'Connell, D.
 Williams, W. Hume, J.

List of the NOES.

Acland, Sir T. D. Currie, R.
 A'Court, Captain Damer, hon. D.
 Adam, Admiral Darby, G.
 Ainsworth, P. De Horsey, S. H.
 Alford, Visc. D'Israeli, B.
 Arbuthnott, hon. H. Divett, E.
 Archdall, M. Dottin, A. R.
 Ashley, Lord Douglas, Sir C. E.
 Attwood, W. Dugdale, W. S.
 Bagge, W. Dunbar, G.
 Bagot, hon. W. Duncombe, hon. W.
 Bailey, J. jun. Duncombe, hon. A.
 Baillie, Colonel Du Pre, G.
 Baker, E. East, J. B.
 Baldwin, C. B. Eaton, R. J.
 Baring, rt. hon. F. T. Egerton, W. T.
 Baring, hon. W. B. Egerton, Lord F.
 Barrington, Viscount Eliot, Lord
 Basset, J. Estcourt, T.
 Bateson, Sir R. Farnham, E. B.
 Bellew, R. M. Feilden, W.
 Bentinck, Lord G. Fector, J. M.
 Bernal, R. Fellowes, E.
 Blair, J. Filmer, Sir E.
 Blakemore, R. Fitzroy, hon. H.
 Blennerhassett, A. Fleming, J.
 Bolender, H. G. Forester, hon. G.
 Bolling, W. Fort, J.
 Botfield, B. Fortescue, T.
 Bowes, J. Fox, S. L.
 Bradshaw, J. Freshfield, J. W.
 Bramston, T. W. Gaskell, J. M.
 Broadley, H. Gladstone, W. E.
 Broadwood, H. Glynne, Sir S. R.
 Brocklehurst, J. Gordon, R.
 Brownrigg, S. Gordon, hon. Capt.
 Bruce, Lord E. Gore, O. J. R.
 Bruen, Colonel Goulburn, rt. hon. H.
 Bruges, W. H. L. Graham, rt. hn. Sir J.
 Buck, L. W. Granby, Marquess of
 Buller, Sir J. Y. Grant, Sir A. C.
 Bulwer, Sir L. Greene, T.
 Burdett, Sir F. Grimsditch, T.
 Burr, H. Grimston, Viscount
 Campbell, Sir H. Grimston, hon. E. H.
 Campbell, Sir J. Hale, R. B.
 Canning rt. hn. Sir S. Halford, H.
 Cantilupe, Viscount Hamilton, Lord C.
 Chalmers, P. Handley, H.
 Childers, J. W. Harcourt, G. G.
 Cholmondely, hon. H. Harcourt, G. S.
 Chute, W. L. W. Hardinge, rt. hn. Sir H.
 Clay, W. Hawkes, T.
 Clive, hon. R. H. Hawkins, J. H.
 Cochrane, Sir T. J. Hayter, W. G.
 Cole, hon. A. H. Heathcote, Sir W.
 Colquhoun, J. C. Heneage, G. W.
 Coote, Sir C. H. Herbert, hon. S.
 Corry, hon. H. Herries, rt. hon. J. C.
 Courtenay, P. Hill, Sir R.
 Cresswell, C. Hinde, J. H.

Hobhouse, rt. hn. Sir J. Parnell, rt. hon. Sir H.
 Hodgson, F. Patten, J. W.
 Hodgson, R. Peel, rt. hon. Sir R.
 Hogg, J. W. Peel, J.
 Holmes, hn. W. A. C. Pemberton, T.
 Holmes, W. Perceval, Colonel
 Hope, hon. C. Philips, M.
 Hope, G. W. Pigot, rt. hon. D.
 Hoskins, K. Pigot, R.
 Hotham, Lord Planta, R. H. J.
 Howard, hn. E. G. G. Plumptre, J. P.
 Howard, hn. C. W. G. Polhill, F.
 Howick, Viscount Pollen, Sir J. W.
 Hughes, W. B. Pollock, Sir F.
 Humphrey, J. Powell, Colonel
 Hurt, F. Praed, W. T.
 Hutt, W. Pringle, A.
 Ingham, R. Pryme, G.
 Inglis, Sir R. H. Pusey, P.
 Irtton, S. Reid, Sir J. R.
 Irving, J. Richards, R.
 Jackson, Mr. Serjeant Rickford, W.
 Jermyn, Earl Rose, rt. hon. Sir G.
 Jones, Captain Rushbrooke, Colonel
 Kelly, F. Rushout, G.
 Kemble, H. Russell, Lord J.
 Kelburne, Viscount St. Paul, H.
 Knatchbull, rt. hn. Sir E. Sandon, Visc.
 Knight, H. G. Scarlett, hon. J. Y.
 Knightley, Sir C. Shaw, rt. hon. F.
 Labouchere, rt. hn. H. Sheppard, T.
 Law, hon. C. E. Shirley, E. J.
 Lefroy, rt. hon. T. Smith, A.
 Liddell, hon. H. T. Smith, R. V.
 Lincoln, Earl of Smyth, Sir G. H.
 Litton, E. Somerset, Lord G.
 Loch, J. Sotherton, T. E.
 Lockhart, A. M. Spry, Sir S. T.
 Lowther, J. H. Stanley, hon. E. J.
 Lucas, E. Stanley, Lord
 Lygon, hon. General Sturt, H. C.
 Macaulay, rt. hn. T. B. Sugden, rt. hon. E.
 Mackenzie, W. F. Surrey, Earl of
 Maclean, D. Talfourd, Mr. Serjeant
 Mahon, Visc. Teignmouth, Lord
 Manners, Lord C. S. Tennent, J. E.
 Marton, G. Thesiger, F.
 Master, T. W. C. Thompson, Alderman
 Mathew, G. B. Thornhill, G.
 Maunsell, T. P. Tollemache, F. J.
 Melgund, Viscount Townley, R. G.
 Meynell, Captain Trench, Sir F.
 Mordaunt, Sir J. Trevor, hon. G. R.
 Morpeth, Viscount Trotter, J.
 Morris, D. Turner, W.
 Muskett, G. A. Tyrell, Sir J. T.
 Neeld, J. Vere, Sir C. B.
 Nicholl, J. Verner, Colonel
 Norreys, Lord Villiers, Viscount
 O'Ferrall, R. M. Vivian, J. E.
 Ossulston, Lord Vivian, rt. hn. Sir R. H.
 Owen, Sir J. Waddington, H. S.
 Packe, C. W. Walsh, Sir J.
 Pakington, J. S. Wilde, Sir T.
 Palmer, G. Williams, T. P.
 Parker, M. Wilshere, W.
 Parker, T. A. W. Wood, Colonel

Wood, Colonel T.
Wrightson, W. B.
Yorke, hon. E. T.
Young, J.

Young, Sir W.
TELLERS.
Fremantle, Sir T.
Baring, H.

Original Motion agreed to, Bill to be brought in.—Adjourned.

HOUSE OF COMMONS,

Wednesday, February 3, 1841.

MINUTES.] NEW WRITS.—St. Albans, Vice Hon. Edward Harbottle Grimston, Chiltern Hundreds.
Petitions presented. By Sir E. B. Vere, from places in Suffolk, in favour of Church Extension.

THE LATE J. RICKMAN, ESQ.] Lord John Russell :—Sir, in rising to move the resolution of the House of which I have given notice with respect to the late Mr. Rickman, expressing its sense with regard to the length and the meritorious nature of the services, I am sure it is one which will call for the general concurrence of the House. No man could have been more eligible or better fitted for the important situation he so long occupied; and no man was more eminent for a knowledge of the privileges, precedents, and every thing which related to the practice of the House. I wish, Sir, I could, without violating any of the forms of the House, add something to the resolution, expressing the sense of the House of Mr. Rickman's services to the country generally, by his labours in everything relating to all matters of public interest where statistical information could be required. No one can feel more strongly than I do the value of his services in matters of that kind; but it appears to me that we must confine our Resolution to the services performed by Mr. Rickman to this House. I therefore move this Resolution :—

“That this House entertains a just and high sense of the distinguished and exemplary manner in which John Rickman, Esq., late Clerk Assistant of this House, uniformly discharged the duties of his situation during his long attendance at the Table of this House.”

Mr. Goulburn : Sir,—I hope I may be permitted to mark my sense of the services of Mr. Rickman by seconding the motion of the noble Lord. It was my good fortune to have been acquainted with Mr. Rickman at a very early period, before he occupied a seat at that Table, where the manner in which he uniformly discharged his duties calls upon the House now to express its great regret at his loss. Mr. Rickman was distinguished at that time by all those qualities which have been enumerated by the noble Lord, and there was an universal feeling of approbation and pleasure

when Mr. Rickman was appointed to the office he so long filled, I feel justified in saying he filled it not only with satisfaction to the House, but to every individual Member of it; and in saying that, I am not only expressing my individual sentiments, but the sentiments of every one hearing me—I have often myself experienced the benefit of Mr. Rickman's knowledge on subjects in general, for he was ever ready to impart to others the information he had acquired, and to enable those who took part in the debates of the House to make themselves masters of the subjects to which their attention was directed, and without which knowledge they would have been scarcely able to place their views clearly and accurately before the House. For myself, therefore, I most cordially join in the sentiments which have been expressed by the noble Lord in this tribute of respect to Mr. Rickman; and I am sure, that the country also is deeply indebted to him. I have no doubt that there will be a general feeling among those who have known the extent and value of his labours to express that opinion unanimously, and thus to mark the sense of the House of his services.

Mr. Hume : Sir,—I am unwilling to allow this vote to pass without expressing my humble approbation of the conduct of the late Mr. Rickman. I have never known a public officer so modest, so unassuming, possessed of such varied knowledge respecting the affairs of Parliament, and yet so ready to afford every information to others. The labours of Mr. Rickman generally in statistical matters, to which I have paid particular attention have been highly valuable, and specially as regards the preface to the population returns,—will stand unrivalled in the amount of information, and in the concise manner in which he brought it before this House. I therefore most cordially concur in expressing my sense of the value of his services. I may add that I had frequently, occasion to consult him on matters connected with the rules of this House, and the documents before it, and I always found him most friendly, and ready to afford every information in his power. I am bound to say that I received the most valuable assistance from Mr. Rickman in my various duties in this House; and no man who saw the manner in which he discharged his duties at the Table of this House, could doubt the value of his services. I therefore, most cordially support the motion.

Sir R. H. Inglis : Sir,—I desire to bear my part in this general testimony of respect to the late Mr. Rickman, and to the

value of his services to the House. My noble Friend has stated, that it does not form any part of his resolution to express the sense of the House upon other parts of his conduct and labour, because it did not appear to him that this was the proper tribunal to pay the tribute of respect due to the general services rendered by him. Were it not for this, Sir, there are many Members who would cordially bear their testimony to the value of the assistance derived, not merely from the personal services of Mr. Rickman in this place, but from his general knowledge and deep and accurate information on every branch of statistics. It was stated of Mr. Rickman by one of his earliest friends, the late Charles Lamb, that he was a man of the most matter and the fewest words; in fact, his voice was scarcely ever heard except for the purpose of affording general information; and when a question was put to him, he gave his answers in a manner unrivalled for precision and accuracy, and which equally characterized all his communications. Sir,—The value of Mr. Rickman's services has been experienced in this House in another department of great importance to the House,—I mean the library. It must be known to many Members that it was Mr. Rickman who drew up a general sketch of the library, intitled, "Catalogue of Books in the Library at the House of Commons," a classical sketch of the books which ought to form the basis of a Parliamentary library. To many Gentlemen it is not necessary I should refer to his labours with regard to the population returns; but I would venture to say, that independently of its instructiveness a more entertaining preface than the one to the last census can scarcely be found to any work. These are minor matters, which hardly deserve to be mentioned when speaking of the value of his services as an officer of the House. It is from the discharge of his graver duties, and the important assistance which he has rendered to every man who has borne a part in the public proceedings of the House, that his claim upon the gratitude of the House and the country arises. For his services in relation to the population returns, and the abstracts furnished of those returns, he was allowed a certain sum; but I believe it was never more than sufficient to defray the necessary expenses incurred; and I have good reason to know that he also incurred considerable expense (though some of those, in whose service it was incurred, might think it inconsiderable) out of his own pocket. But, Sir, the predo-

minant claim which he has to the attention of this House in particular, is the facility with which we are now furnished with information of what passes in the House, in consequence of the alterations which he suggested. It will be recollected by many of my hon. Friends, that formerly the votes were not delivered till four days after the business had occurred, and that it was in the year 1817, in a paper which Mr. Rickman sent to the Speaker, he suggested the alteration which was adopted by the House, and which led to the present plan. The form of recording the business of the House was so cumbrous, that four days were necessary to produce the votes; and, in addition to the evil of that delay, at that time Members had not the advantage of receiving notice of the proceedings of the House on the following day. All these facilities emanated, I may say, directly from Mr. Rickman; they were of course the act of the House; but it was upon the paper drawn by him in 1817 that your predecessor acted, and upon which the report of the committee was founded. For all these reasons I most cordially concur in the motion which has been placed in your hands by my noble friend.

Mr. Bernal: Sir,—I should be very sorry to allow this opportunity to pass without adding my testimony to the value of the services of our late Clerk Assistant; I have reason to speak of his merits, for I had good opportunity of testing them. Sir,—Mr. Rickman possessed stores of knowledge, deep, varied, and extensive, not only with regard to Parliamentary matters, but other subjects connected with the history of the country generally. He was an excellent scholar; and I never applied to Mr. Rickman when he was not ready to afford me the information required. He was not slow to impart his knowledge to those who sought his assistance: he was solid in matter, though brief in language. When first I had the honour of sitting at that Table as Chairman of the Committees of the House of Commons, I derived constantly the most valuable assistance from Mr. Rickman: he had the merit, and a most valuable merit it was, of unwearied industry; and if he possessed a great and deep store of knowledge and learning, he day by day added to that store of knowledge, and he was not slow in the communication of it to those who needed it; I can bear good testimony to that, because the little knowledge I have derived, while sitting at that Table, is owing to the kindness and amenity of our lamented Friend.

The resolution was then put by the

Speaker, and agreed to *nemine contradicente*.

HOUSE OF LORDS,

Thursday, February 4, 1841.

MINUTES.] NEW PEER.—Lord Holland took his Seat for the first time, on acceding to the Peerage on the Demise of his Father.

SIR R. STOPFORD.—VOTE OF THANKS.]

The Earl of *Minto* rose, in pursuance of the notice which he had given, to move the thanks of the House to Admiral Sir Robert Stopford, G.C.B., and the officers and men employed under his command in the late operations on the coast of Syria. In doing so, he should detain their Lordships for a very few moments, because he felt that it was really unnecessary that he should enter into any details with reference to events with which their Lordships must be perfectly familiar. It was true, that, on many former occasions, the British fleet had been called into action against more formidable enemies, and had been engaged in more sanguinary contests; but he was sure their Lordships would admit that throughout the whole course of these operations on the coast of Syria, abundant proofs were given of the skill, of the bravery, of the resources, of that originality of enterprise, and of character, which had always distinguished the British navy. But there was one very peculiar circumstance connected with these operations which he wished particularly to press on their Lordships' attention. He alluded to the singular rapidity with which, and the very short space of time in which, those many brave and gallant enterprises, all of which ended in the most complete success, were effected. On the 9th of September, after receiving the refusal of the Pacha to accede to the terms proposed by the Sultan, Sir Robert Stopford appeared before Beyrout; and, without the loss of a single day, nay, he might say, without the loss of a single hour, he launched Commodore Napier on that career of victory and success, which he so unremittingly continued to pursue throughout the whole of the campaign. On the 9th of September, Commodore Napier landed at Djouni, a bold and able operation in the midst of superior forces; and on the 3rd of November, the contest was concluded by the reduction of the fortress of Acre. In those few weeks, the mountaineers had been armed and organized, and every gar-

ison, every magazine, and every town, in short, the whole extent of coast from Tripoli to Jaffa had been reduced by one or other of the detachments of our fleet. Commodore Napier had twice marched on shore against the forces of Soliman and of Ibrahim which he routed and dispersed; and in the interval between these two actions had proceeded to Sidon, which he entered by storm at the head of a mixed force of British, Austrians, and Turks, amounting to scarcely 1,000 men, and from which he returned, bringing in his train, nearly 3,000 prisoners. He had felt it necessary to dwell on the rapidity with which these conquests were effected, because in this contest, time was every thing. It was not only most important to the efficacy of our operations, but, if the contest had been protracted to another campaign, it might have been attended with disastrous consequences to the peace of Europe. As a further proof of the promptitude which characterized the whole of these transactions, he begged leave to refer to Sir Robert Stopford's despatch of the 31st of October. He there stated, that he had just received instructions from Government to reduce the fortress of Acre, an undertaking which had already engaged his attention. That resolution was taken on the 29th of September. On the 31st of October, he wrote that all the arrangements were completed, and that he was prepared. In fact, the expedition sailed on that day, and in three days from the date of his letter, the fortress had fallen before British valour. The Admiral was most ably and gallantly seconded in all his operations by Admiral *Bandeira*, who commanded the Austrian squadron, in which the spirit and gallantry of the Archduke *Frederick* was eminently conspicuous. In Commodore Napier's account of the attack on Sidon, he spoke in the very highest terms of the conduct of the Archduke; and at Acre he landed during the night along with the marines of his ship, in order to secure the entrance of the town and fortress, a resolution highly creditable to the spirit and activity of this young Prince. To Admiral *Walker* much praise was due. His services had eminently contributed to the success of her Majesty's arms. He was in every action—had gallantly maintained that reputation in the British navy—which had obtained for him the high post which he now so ably filled, as commander of the Turkish fleet. He felt that it was quite

unnecessary for him to add one word more, in order to induce their Lordships to concur in the vote of thanks which it would be his duty to conclude by proposing. He would only repeat, that throughout the whole of these operations British valour and skill were most conspicuous; more especially in the last achievement, the attack on the fortress of Acre, where the precision and accuracy of the British fire proved that we had added a new element of strength and power to the British navy. From what had been done on this occasion by British skill and valour, their Lordships might judge what the British navy, if called upon, was able to effect; and showed that the talents and bravery of the officers and sailors of Britain had not in any degree deteriorated. He hoped their Lordships and the country would receive this as an earnest of what they might expect, should, unfortunately, the fleet be brought into any more formidable collision. In his opinion, the gallant conduct and consummate skill manifested by our officers and sailors had given the best answer to all those cavils and complaints of the degeneracy and decay of the British fleet which had been made in many quarters during the past year. On that head he would not add another word. All must feel that the brave men in the fleet had given a much better answer to the calumny than any which he could offer. The noble Earl then moved

“The thanks of the House to Admiral Sir R. Stopford, G.C.B., for the operations conducted by him on the coast of Syria, particularly for the decisive attack on the fortress of Acre on the 3d of November 1840; to Commodore Sir C. Napier, K.C.B., and the several captains and officers of the fleet employed on the coast of Syria; and that the House highly approves of the services of the seamen and Royal marines employed on the occasion. Also, that the thanks of the House be given to Major-General Sir C. Smith and the Royal Artillery and Engineers serving under his command on the coast of Syria; to Rear-Admiral Baron Bandeira and the naval force under his command, for their valuable assistance and co-operation during the proceedings on the coast of Syria; and to Sir B. Walker, commander of the navy of his Highness the Sultan; and that the Lord Chancellor be directed to signify the same to Admiral Sir Robert Stopford.”

Lord Colchester heartily concurred in the tribute of praise which the noble Earl had bestowed on the navy in moving this vote of thanks. Great as must be the satisfaction of the noble Earl, that these

events had taken place while he was at the head of the Admiralty, that satisfaction must be much increased by the reflection, that one of the officers commanding a ship employed in the late operations on the coast of Syria was a son of the noble Earl. The noble Earl had so fully described the series of operations which had taken place, that he would not trouble their Lordships by going over the same ground. He would only say, that he entirely concurred in all that had fallen from the noble Earl, as to the activity and dauntless courage displayed by Sir C. Napier, and in the tribute of praise which the noble Earl had given to the officers and seamen employed, more especially for the gallantry which they had shown in the attack on the fortress of Acre. The noble Lord had alluded to a supposed complaint, that the navy of England had degenerated. He was not aware that any such charge had been brought against the officers and seamen employed in the naval service. Charges had certainly been made against the civil administration of the navy, which this was not the proper opportunity to discuss; but he had never heard of any charge of degeneracy made against the navy itself. He would take that opportunity to offer his tribute of praise to Sir Robert Stopford, and with that view he would advert for a few moments to the previous services of that gallant officer. Were he to go through the whole of those services, he would have to recount to their Lordships the naval history of this country for nearly sixty years past. Sir Robert Stopford had begun his career with the victory of Rodney, in whose fleet he had served. He had on many previous occasions received the thanks of that House for his gallant services. On the 1st of June, 1794, Sir R. Stopford commanded one of the frigates attached to Lord Howe's fleet. He then received the thanks of the House as one of the captains engaged on that memorable occasion. In 1806 he commanded a line of battle ship, under Admiral Duckworth, in the action off St. Domingo, and received the thanks of Parliament as one of the captains who had fought under that gallant commander. Again he had received thanks for his conduct in the expedition to Copenhagen; and, in 1812, by name, for his services in the capture of the island of Java, this last expedition being one of so much importance, that the Governor-general of India left his government to accompany it in person. In 1830, after having held the

command at Portsmouth, full of years and honours, he might have expected to retire from active service, being then nearly seventy years of age, but his country required his services, and now, for four years, he had commanded in the Mediterranean—an employment which, from the political state of the countries bordering on that sea was one of the most arduous nature. In the hostilities of last year his former skill and talent had been brought into action, and he had given new proof of the ability and judgment that had ever characterised him, by the late glorious operation before Acre, that fortress, which had been deemed impregnable, having been, in the course of a few hours, reduced to ruins by the skill and courage of the British fleet under his command, and the question of the Levant, which had so nearly disturbed the peace of Europe, been in consequence settled. Those services, in his opinion, demanded the warmest thanks of the House. Thanks were all that this House could bestow; but he did trust, that while honors and decorations were liberally bestowed on other officers who had been employed in the capture of Acre, their gallant commander, who had not yet received any mark of her Majesty's approbation, would not ultimately be neglected, but that the name of the conqueror of Acre might be soon enrolled in this House—as it would at all events be hereafter in the annals of his country—with those of the victors of Algiers, of Bhurtpore, and of Ghisnee. He had thought it right, as a member of the naval profession, thus briefly to state his sentiments.

The Duke of Wellington expressed his cordial approbation of the services performed by the navy in the Mediterranean, which well deserved the thanks of the House. He was sorry that the noble Earl had adverted to any supposed complaints or cavils with respect to the degeneracy of the naval service. For his own part he had never heard any such charge made in that House. The noble Earl had also adverted to the time when these operations had taken place, and he could not avoid expressing his regret that the noble Earl had made the remark on this occasion. That was a matter entirely irrelevant to the present question, for all they had to do was to record their thanks for the services that had been performed by those who were engaged in this glorious expedition. He had had a little experience in services of this nature, and he thought it

his duty to warn their Lordships on this occasion, that they must not always expect that ships, however well commanded, or however gallant their seamen might be, were capable of commonly engaging successfully with stone walls. He had no recollection, in all his experience, except the recent instance on the coast of Syria, of any fort being taken by ships, excepting two or three years ago, when the fort of St. Jean d'Ulloa was captured by the French fleet. That was, he thought, the single instance that he recollected; though he believed that something of the sort had occurred at the siege of Havanah, in 1763. The present achievement he considered one of the greatest deeds of modern times. That was his opinion, and he gave the highest credit to those who had performed such a service. It was altogether a most skilful proceeding. He was greatly surprised at the small number of men that were lost on board the fleet; and on inquiring how it happened, he discovered that it was because the vessels were moored within one-third of the ordinary distance. The guns of the fortress were intended to strike objects at a greater distance, and the consequence was, that the shot went over the ships that were anchored at one-third of the usual distance. By that means they sustained not more than 1-10th of the loss which they would otherwise have experienced. Not less than 500 pieces of ordnance were directed against the walls; and the precision with which the fire was kept up, the position of the vessels, and lastly the blowing up of the large magazine, all aided in achieving this great victory in so short a time. He had thought it right to say thus much, because he wished to warn their Lordships against supposing that such deeds as this could be effected every day. He would repeat, that this was a singular instance, in the achievement of which great skill was undoubtedly manifested, but which was also connected with peculiar circumstances which they could not hope always to occur. It must not therefore be expected as a matter of course, that all such attempts in future must necessarily succeed.

The Earl of Hardwicke said, their Lordships must feel, after the very lucid statements which had been made to them by the noble Lord, and by the noble Duke, that it would be perfectly absurd for him to enter into any further statements, and

take up any more of their time; but he could not help expressing how perfectly he concurred in the opinions which had been given, and how satisfied he was that at no period had the British navy exhibited an act of greater bravery and skill. Taking it altogether, no affair had been more rapidly or more ably conceived and executed than the siege of Acre; and he perfectly concurred with the noble Lord in stating, that any man who thought the navy was in any way degenerated—that any man who at any time was so unfortunate as to have thought so—must on this occasion feel perfectly satisfied that all his conceptions had been mistaken.

Lord *Hill* begged to express his perfect concurrence in the approbation which had been bestowed on that part of the service which at all times, and on every opportunity, had been distinguished for its valour and good conduct. It also gave him pleasure to find included in the vote of thanks, his gallant friend Sir Charles Smith, and the officers of the engineers.

The Earl of *Minto* begged to assure the noble Duke, that in attempts against fortresses by ships of war, he was fully sensible, from conversation with able men (and he never met with an able man who was not a sensible one), of the great disadvantages under which ships must always labour when brought to operate against walls and fortresses. He thought, however, that we might trust to the prudence and discretion of our officers so to govern their love of enterprise as not to undertake any attack of this description without a fair prospect of success—such a fair prospect of success as the gallant Admiral felt he had before him when he went to Acre. Of late years, a great and remarkable improvement had taken place in gunnery. The practice before Acre was one of the greatest examples of this; in it the fire was such as it was almost impossible to withstand with any degree of steadiness. This he considered was a new power acquired to the navy of late years, and one which rendered an attack on stone walls and fortresses a much less dangerous undertaking than it might have been in the days of more random firing. The attack on Algiers had been made under much greater disadvantages than the recent one on Acre, owing to the great improvements in gunnery since that time. Knowing that the noble Duke only meant to give a

caution against rash enterprises, he did not believe that the noble Duke meant to give his great authority to a statement that the power of ships of war was never to be ventured against batteries on shore.

The Duke of *Wellington* did not mean to say that ships of war should never do such a thing. He stated a fact.

Resolutions unanimously agreed to.

TRIAL OF THE EARL OF CARDIGAN.] The Earl of Shaftesbury brought up the third report from the “committee appointed to inspect the journals upon former trials of peers in criminal cases, and to consider the proper methods of proceeding, in order to bring James Thomas, Earl of Cardigan, to a speedy trial, and to report to the House what they shall think proper thereupon,” &c. It referred first to the accommodation that can be provided on the occasion of the said trial, viz.:—

In the body of the House	300
In the gallery on the right-hand side of the House	60
In the gallery on the left-hand side of the House	60
	— 420
In the present gallery at the west end of the House	120
In the new gallery in front of the same (to be reserved for the tickets issued to the Royal Family, Peeresses, the wives of the eldest sons of Peers, and Peers’ daughters)	64
	— 184
Seats below the bar	36
	— 640

It next laid down regulations for the distribution of tickets of admission, and concluded with recommending that the following orders be made by the House, viz.:—

“That none be covered at the said trial but the Lords.

“That the Serjeant-at-Arms be within the House to make proclamations, which are to be made in the Queen’s name, for keeping silence.”

These recommendations were put, and adopted by their Lordships.

CHURCH RATES] Lord *Brougham* said he had a petition to present from the in-

habitants of the town of Leicester, or rather from the members of the Society of the Friends of Religious Liberty in public meeting assembled. This meeting, as he understood, was held upon the 23rd of last month; it was most numerous and respectably attended, and the meeting unanimously came to the resolution of addressing their Lordships by petition. Although the petition was only signed by the respectable chairman, the Mayor of Leicester, and, therefore, according to the forms of their Lordships' House, could only be received as the petition of the individual signing it, nevertheless it expressed the unanimous feelings and sentiments of the numerous and respectable body that was assembled on the occasion. The petitioners stated that they considered the levying of Church-rates in England to be a grievous wrong inflicted upon a large portion of her Majesty's subjects, who were heavily and unequally burdened, inasmuch as that, whilst they felt bound to provide for the maintenance of their own religious worship, they were at the same time, in opposition to their own sincere and honest conviction, compelled to contribute towards the support of a Church from which they derived no spiritual consolation. The petitioners also complained, as a great aggravation of the infliction upon them of the payment of Church-rates, of the grievance arising from the expensive and burdensome proceedings of the Ecclesiastical Courts; and the petitioners stated that an inhabitant of the town of Leicester, Mr. William Baines, an individual of great respectability, had, from conscientious motives, refused to pay a church-rate that was sought to be exacted from him; that he had, in consequence, been cast into prison, and that in prison he still remained, because he refused to pay a rate which he conscientiously believed he was not bound to pay. The petitioners then prayed their Lordships to take such steps as would tend to the relief of the subject from this burden, and which would also tend to the immediate liberation of Mr. Baines, and thus put an end to the strifes and feuds that distracted the country upon this subject, and impeded so greatly the advancement of religion. He understood that the town of Leicester contained about 60,000 inhabitants, and that the annual amount of Church-rates was 330*l*. He understood, also, that two-fifths of the rate, or about

130*l*., were paid by persons who conscientiously dissented from the Established Church; and for this paltry sum a large portion of the inhabitants of that great and populous town were brought into a perpetual state of strife and animosity. He held in his hand a letter from a most respectable magistrate of the town of Leicester, in which he stated that the enforcement of the Church-rates, in Leicester, had become the most disagreeable part of his duty; that it destroyed respect for the law, on the part of a great portion of the people, and engendered the most hostile feelings towards the Established Church. He entreated their Lordships to take the prayer of this petition, and the subject matter generally, into their consideration, and not to run away with the idea that any change that might take place in the constitution of the Ecclesiastical Courts, or in the reformation of their proceedings, however much it might relieve or mitigate the evil complained of, would reconcile people to the great grievance of exacting these rates from persons who conscientiously dissented from the Established Church. Mr. Baines had been incarcerated for the sum of 2*l*. 5*s*.; he had been some months in prison for the non-payment of this sum, and was now burdened with costs to the amount of 125*l*. As far as costs were concerned, no doubt the evil might be lessened, as by the measure which his noble and learned Friend (the Lord Chancellor) last year brought forward, and which he hoped his noble and learned Friend would state his intention again to bring forward, no doubt the amount of costs would be diminished; still, of necessity, the costs must be very much greater than the demand, when proceedings were taken for so insignificant a sum as 2*l*. He took the liberty of stating, at the end of last Session, when a bill was passed in consequence of similar circumstances that occurred at Chelmsford in the case of Mr. Thorogood, that the great interest that had been excited over the country by the confinement of Mr. Thorogood, and in favour of his liberation, would never have been excited, had it not been known that a grievance existed with which was connected his incarceration. He would say nothing upon the present occasion about the individual referred to in the petition, or about the Ecclesiastical Courts, as he merely wished to call attention to the grievance of which the peti-

tioners complained. He hoped her Majesty's Ministers would be able to state to their Lordships that it was their intention again to take up this subject. It was now three years since a bill had been loudly called for by hundreds and thousands of petitions. That bill had been dropped in the other House of Parliament. He would now fain hope that her Majesty's Ministers would be able to answer in the affirmative, whether there was any intention of renewing their former measure, and if not, whether it was intended to propose any other measure calculated to effect the same purpose?

Viscount *Melbourne* said, it was not in his power to say, that there was any such intention.

Lord *Brougham* : That answer only applies to this particular moment?

Viscount *Melbourne* said, that he was unable now to state, that any such intention existed.

Lord *Brougham* was sorry to say, that he must take the answer of the noble Viscount to be a negative to his whole question. He was sure, that his noble and learned Friend would not answer him negatively with respect to the Ecclesiastical courts.

The *Lord Chancellor* said, it was his intention to introduce a measure on the subject as early as possible.

Petition laid on the Table.

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.] Lord *Brougham* said, he thought a misunderstanding had gone abroad respecting the course of proceedings in a very important judicature in this country—the Judicial Committee of the Privy Council. He thought it right, in consequence of something which passed in another place, that their Lordships should have an opportunity of seeing whether there had been any neglect of duty on the part of the said judges who constituted that court. It had been said, that they had not sufficiently complied with the Act of Parliament in holding the sittings which ought to be held in the exercise of their jurisdiction. No personal complaint whatever had been made against these judges. It was only said, that by the constitution of the court their meetings were accidental, that it depended upon the chance of the case whether meetings were held or not, and that parties were brought down again and again, and much

needless expense was incurred. One would naturally suppose, from such statements, that such delays happened very frequently. Upon inquiry he found, that there were only two, or at the utmost three, instances during the last three years. The proper way of ascertaining the truth was, to move for a return of the days of sitting. It had been said, that the court had only sat eighteen days during the year 1840. The fact was, that it had only sat eighteen days during that portion of the year 1840, which elapsed previous to the close of last Session, that is to say, the month of August. But there were five months of the year 1840, after that return was made, and when they came to look at the whole attendance, instead of eighteen it amounted to thirty days. The learned judges were called upon by the Act to make arrangements so as to enable the Judicial Committee of the Privy Council to sit as often as the state of business required. They should ascertain how often, in point of fact, the Judicial Privy Council had held its sittings. He would commence with the year 1834, and take every year down to 1840 inclusive. He would also take in the number of appeals which had been heard during that time, and the number which were now received to be heard. If these returns, when brought before their Lordships, should show, that there ought to have been a greater number of sittings in respect to the amount of business, and, that there had been a greater number of causes set down than ought, in the ordinary course of business, to have stood for hearing without being so despatched, no doubt it would then be the duty of the learned judges to attend more closely to the provisions of the Act than they had attended. If, on the other hand, it should appear, that they had sat, one year with another, as often as was required, and that there was no more arrear of business in that court than existed in any other court, much more if it should turn out, there was a less arrear, then he trusted the observation made would not be repeated. The noble Lord then moved for an account of the number of days that the Privy Council had sat during the seven years ending 1840, and of causes and appeals.

Returns ordered.

Adjourned.

HOUSE OF COMMONS,

Thursday, February 4, 1841.

MINUTES.] NEW MEMBERS.—John Neilson Gladstone, for Walsall.

Petitions presented. By Mr. Mark Phillips, from the Manchester Dispensary, praying to be made a Corporate body.—By Mr. Brotherton, from Dover, for a Total Repeal of the Corn-laws.—By Mr. O'Connell, from Dublin, for a Repeal of the Union.

STANDING ORDERS—RAILWAY BILLS.] On the motion of Mr. *H. Hinde*, the Standing Order, Number 32, relating to Railways, was read as follows:—

“That all subscription contracts shall contain the Christian and surnames, description, and place of abode, of every subscriber, his signature to the amount of his subscription, with the amount which he has paid up; and the name of the party witnessing such signature, and the date of the same respectively; and that it be proved to the satisfaction of the committee on petitions, that a sum equal to one-tenth part of the amount subscribed has been deposited with the Court of Exchequer in England, if the work is intended to be done in England, or with the Court of Exchequer either in England or Scotland if such work is intended to be done in Scotland, and with the Court of Chancery in Ireland if such work is intended to be done in Ireland; and that not less than three-fourths in number of the subscribers shall have paid up their shares of such deposit.”

The hon. Member then moved, “that the said Standing Order be amended, by leaving out the words ‘one tenth,’ and inserting the words ‘one-twentieth.’ He would not detain the House by entering into arguments at any length in support of his motion; but he would merely mention a few facts bearing upon the subject. The House was aware that, previous to the year 1830, of the bills that were passed for making railways, a considerable number was confined chiefly to the purposes of local communication; but after the opening of the railway between Liverpool and Manchester, a great impetus was given to speculations of that nature, and in the following years several bills were introduced into the House to enable capitalists to open railways. In the year 1832 four bills were passed for that purpose, and in the year 1834 five bills were passed for a similar purpose. In the year 1835, twenty-four railway bills passed through that House, including the great lines from London to Birmingham, the Grand Junction, the North Union, and the London and Southampton. In 1836, the num-

ber of applications was very large, and the attention of Parliament was particularly directed to the subject in consequence of the Standing Orders having been evaded, and, in fact, proof was laid before the House that evasions had been practised to enable parties to dispense with the Standing Orders. In 1837, the number of Railway Acts was fifteen. He admitted that many of the schemes in these three years, particularly in 1836, were not worthy of the support of Parliament, and were not brought under the consideration of the House in such a way as would enable them to be proceeded with. Out of the large number brought forward, forty-four did pass the House of Commons, and although there was no particular protection, there was not a single one of them which could be called a bubble company, and in proof of it he could state, that of the forty-four, twenty-one were at the present period actually finished, ten were partially opened, nine were in progress, and four not commenced. Two of these four were Irish railways, and of the peculiar circumstances connected with railways in that country, it was unnecessary for him to say any thing. Of the other two, the Deptford pier and railway had never been commenced, and the other, the Thames Haven railway, could not be commenced in consequence of the delay in advancing the Eastern Counties Railway. In August 1836, a Standing Order passed the House, requiring that a longer notice should be given than heretofore, and in July the following year the Standing Order was passed, requiring a deposit of ten per cent, and both these came into operation in 1838. After the passing of these two Standing Orders, there was a remarkable decrease in the number of bills presented to that House. In 1838, only two Acts of Parliament for new railways were passed, in 1839 only one, and in 1840, not a single Act for a new line passed the House. Surely, that looked like putting a stop to them altogether, and it would appear, that in taking steps to prevent fraudulent schemes, they had prevented the carrying on of wholesome plans. Among the bills passed within the last three years, the Edinburgh and Glasgow railway bill had been before Parliament the previous year, and therefore the Standing Orders did not apply to it, and another, the West Derby, had previously been in progress of formation,

and that also was exempted. The only bill, therefore, which could be termed one for a totally new line was one for a short line in Devonshire, near Torbay, which was not quite three miles in length, so that, in point of fact, only one bill had passed since the Standing Order to which his motion referred. He did not mean to object to the long notices, although he had, in common with many others, objections to them, but he referred particularly to the order which required the deposit of ten per cent. He did not believe, that the Standing Orders relative to the notices had had the effect of preventing these being given, because, in point of fact, in 1838 there had been thirty-five such notices given, in 1839, twenty-nine, and in 1840, thirty, shewing that these notices had not been much decreased. It might be urged, and not without reason, that the state of the money-market had been one of the great causes of the small number of railway bills brought forward, and no doubt that had operated to a certain extent; but he would remind hon. Members that although British capital had not been invested to a large amount in railways at home, yet large sums had been invested by British capitalists in railways in Germany and France, and particularly that one between Havre and Paris, besides many speculations in the United States. Having disposed of the reasons why so small a number of railway bills had been brought before the House within the last three years, it only remained for him now to meet the objections of hon. Members, who thought it of little importance whether railways should continue to progress or not, and on them he would urge the strong argument that British capital was being absorbed in these undertakings in foreign countries. Some time ago it might have been a question whether every large town should have a connection by railway with the metropolis; but from what had occurred of late years, that was a point on which there could be now little doubt. He would take an instance with which he was familiar—namely, the Great North Road. It was true there was a railway from London to York, but instead of being a benefit to the large towns in a direct line it was the reverse, because in many instances it deviated thirty miles from the direct line. A great number of persons were employed upon these railways, but this

employment, far from being a boon to the labouring population, would be a curse if it were to be suddenly withdrawn. Look at the operation of railways at this moment. During the last year, from February 1840 to February 1841, about 600 miles of new railway had been opened in the kingdom. On these 600 miles far more than a moiety of the excavators throughout the kingdom had been employed. It might be asked if he had the means of showing the number now out of employment, and he confessed that he had not. The works, especially the embankments, had been subject to so much dilapidation, from the state of the weather, and from the railways having been opened with undue speed, that on many lines the same number of labourers were employed in repairing them, as had been employed during their formation. But as spring advanced, these would be thrown out of employment, for though there were many railways in progress, with the exception of the Great Western and another, he knew of none that were going on with spirit. These were the chief causes he had to advance in favour of a modification of the Standing Order; but he would point out another inconvenience—namely, the formation of railways without the sanction of Parliament. If persons found generally they could more easily make a bargain with the landowners than by submitting to the restrictions laid upon them by Parliament, depend upon it that plan would be acted on, which would save the expense of an application to Parliament, and would enable the parties to give greater sums to the landowners. These railways were not subject to the Act of last Session, for the Standing Orders, related only to those formed under the sanction of Parliament. He would only further state, that if the House agreed to the proposition he had had the honour to make, they would only place the Standing Order in that House on the same footing as that of the House of Lords. When these new Standing Orders relating to railways were passed, a communication was made to the other House, under the auspices of a noble Lord, then at the head of the Board of Trade, to assimilate the Standing Orders of the two Houses, and he believed there was no other difference between the Houses than that the House of Commons proposed a deposit of ten per cent., and the House of Lords thought this too much,

and would assent only to a deposit of five per cent. He thanked the House for the attention they had paid to his statement, and submitted his motion for their decision.

Mr. *Labouchere* said, that although he was certainly prepared to offer every opposition in his power to the motion made by the hon. Gentleman—the hon. Gentleman was quite right in assuming that he did not rest opposition on any wish to discourage the progress of railways in this country, provided they were real and *bonâ fide* undertakings. He was as much convinced as any man could be that it was his duty to give every encouragement to the development of the railway system, but he was well convinced that the only way by which they could guard against a practical monopoly on the part of the lines already existing would be by lines more or less parallel, and constructed in such a manner as to offer some competition for the benefit of the public. He trusted, therefore, the hon. Gentleman would be satisfied that if he felt it his duty to oppose the motion, he did not do so from any desire to interfere with the progress of the railway system. But he really was at a loss to conceive how it could be believed that any railway undertaking could be carried on, so as to afford a fair and reasonable prospect of remuneration to the subscribers if there were a difficulty in obtaining a deposit of ten per cent on the sum required. It appeared to him, that if there were a difficulty in obtaining a deposit of ten per cent. as a subscriber, he should think he had little chance of obtaining the remaining 90 per cent. This subject had often been before the House. The principle had been considered by two Committees of the House of Commons, who had decided against it, in consequence of those disgraceful gambling transactions which, under the name of railway speculations, had imposed upon the country. It would, indeed, be with great concern that he should see the House relax their rule, which had had the most satisfactory effect in arresting the progress of schemes which were set up for no *bonâ fide* object, but only to induce inexperienced capitalists to purchase shares and give the advantage of temporary rises in price to the first speculators. The House of Lords had adopted a different principle, and the consequence was, that bills were introduced

in that House which subsequently became abandoned, after much loss and inconvenience to parties who were misled by the projectors. To him it appeared impossible that any parties of character and substance could find any difficulty in obtaining a deposit of so small an amount. But the hon. Gentleman said, that the effect of the restriction was to arrest the progress of railroads in this country, and to send capital abroad to be invested in railway speculations in foreign countries. Now, he thought he found a complete answer to that statement, upon examining the notices of private bills, upon which he found in this Session already fifty-eight notices of plans for new railways. He thought therefore, there need be no apprehension, that parties who had projects calculated to be beneficial to themselves and the public would find any difficulty in making the deposit required by the present regulation. And he should feel very sorry if the House should alter the determination to which it came after so much deliberation.

Mr. *Warburton* was so far from thinking the existing regulation requiring the deposit of ten per cent., at all excessive, he was convinced that in all *bonâ fide* schemes no difficulty could be found in conforming to it. Until that was enacted men of straw came before the public with ephemeral and good for nothing speculations, by which people were induced to invest their savings in projects that could never be attended with the least advantage to them or to the public. The hon. Gentleman read an extract from the Committee of the House, appointed in 1837, to the effect, that the only means of checking delusive schemes, was to require that all parties petitioning for a bill should be required to make a deposit. But that Committee had no intention to specify a particular amount of deposit, and he thought that the subsequent Committee very properly fixed the sum at its present amount. With respect to the hon. Member's statement that the effect of the regulation was to reduce the number of railway speculations, the hon. Gentleman had himself given the answer when he said that the state of the money market in the last three years had operated to the discouragement of those schemes. Yet, no less than sixty-eight bills had passed since the enactment of the present Standing

Order, and 55,000,000*l.* of capital had been invested in carrying them into effect. He had had opportunities of inquiring into the merits of the case, and he was satisfied that the existing regulation was the best that could be devised.

Mr. *Brotherton* had been a member of the Committee of which his hon. Friend, the Member for Bridport, was the chairman; and, knowing the number of bubble schemes which were brought forward, he thought the present rule ought not to be relaxed. He wished to state a fact which he thought of considerable importance. The Liverpool and Manchester Railway Company, a year or two ago, obtained an Act for a railway to pass through the borough which he had the honour to represent, and they had contrived to introduce a clause leaving it optional to them whether they should complete the railway or not. The consequences were, that parties who had received notice that the railway would pass through their property were completely tied up from disposing of their land in any way—and the company had the sole power of determining whether the property should be required at any time for the purpose of the railways. He did think that Parliament should take every precaution for having their works vigilantly and vigorously carried into effect.

Mr. *O'Connell* wished to say a few words on the subject. It seemed to him that the regulation, as it stood at present, was, like many others, highly favourable to the rich, and to great capitalists, and that it went to increase the influence of those who were already possessed of enormous wealth, while it acted injuriously as regarded the smaller capitalist. It had that effect in the country from which he came, where there was but little capital. They felt severely in that country the pressure of the present regulation, and he therefore believed it to be his duty to protest against it. All railways were now a monopoly, and he thought it would be better, in that instance, to relax the rule, as proposed by the hon. Member.

Viscount *Howick* said, that the hon. and learned Member who had just sat down, instead of considering the regulation as it now existed as favourable to large capitalists, ought in his opinion to consider it as likely to operate in an exactly opposite way. Before the regulation had been introduced a great injustice was frequently done to parties having

small properties in counties through which it was proposed railways should pass. Schemes for the commencement of railways were brought forward, and which, as they were never carried into effect had no other result than to put resident landlords to the expense of needless litigation. He thought it was the interest of small proprietors, that a check should be put upon those who entered into deceptive schemes, by insisting rigidly on the rule as it now existed. He was persuaded that all Gentlemen connected with landed property would do well to pause before they countenanced the resolution of the hon. Member. He was not hostile to that particular line of railway, in favour of which it was supposed the hon. Member had made his motion. He was so far from that that he could assure the hon. Member, that no one could be more anxious than he was to see a line of railway carried through that county which he himself had the honour to represent. But he felt that whenever a good line could be made out, the regulation they were now discussing would not offer the slightest difficulty in the way of its being carried into effect. On those grounds he would undoubtedly give his opposition to the motion of the hon. Member.

The *Attorney-General* thought, that they ought to modify the order as it now existed. He did not think that a large per centage should be required before a bill was brought into Parliament. That was the hardship of which he complained, and of which those who were favourable to the line of railway, referred to by the noble Lord, must bitterly complain. The modification which he wished for, was, that they should require a deposit of ten per cent., not before the bill was introduced into the House, but before the works were begun. That was the principle which had been acted on in the case of the Edinburgh and Glasgow railway, and which had been attended with complete success. It would, he thought, be quite sufficient that they should have a certificate from a public functionary before a spade was put in the ground. In that case they would be sure to have a *bona fide* undertaking that would sufficiently protect the landed interest, and which would not at the same time discourage those useful works.

Mr. *Freshfield* could not see the benefit of changing the present law. If the

undertakings were of a *bona fide* and reasonable character, there was no fear but capital would be employed on them in this country rather than abroad. The Attorney-general said that a ten per centage paid before a spade was put in the ground would offer sufficient protection to the public. He was persuaded, on the contrary, that such regulation would tend to encourage improper speculation, to dealing in shares, to the injury of the public.

Mr. *Hodgson Hinde*, in reply said, that almost all who had addressed the House were against rescinding the Standing Order. The noble Lord had said, that he considered the standing order as beneficial to the landed interest. Now, he considered, that if there was one standing order more injurious to the landed interest than another, it was this very order requiring a deposit of ten per cent., for many railroad schemes, after having been brought to a certain degree of maturity, were not brought under the consideration of Parliament, on account of the inability of the parties to make the deposit required; but these schemes were not on that account abandoned; they were merely postponed to another Session, and thus these schemes were kept hanging over the heads of the land-owners on the proposed line from year to year, in consequence of this standing order, without the decision of Parliament. The right hon. Gentleman had said, that there were fifty-eight notices for railway bills this Session; now it was not by the number of notices given that they could judge of the effects of the standing order, but by the number of bills brought in, and he would venture to assert, that not more than half a dozen bills would be brought in of all the fifty-eight notices. He felt the sense of the House was against him, but he was desirous of recording his vote, because at another time, when the number of railway labourers thrown out of employment would be considerable, he thought the House would be glad to rescind this Order.

The House divided on the question, "That the words one-tenth" stand part of the said Standing Order: Ayes 144; Noes 15:—Majority 129.

List of the AYES.

Aglionby, H. A.	Baines, E.
Ainsworth, P.	Baldwin, C. B.
Arbuthnott, H. H.	Baring, H. B.
Bailey, J. jun.	Basset, J.

Bentinck, Lord G.	Hogg, J. W.
Bewes, T.	Hope, hon. C.
Blair, J.	Horsman, E.
Blake, W. J.	Howick, Visct.
Bolling, W.	Hughes, W. B.
Botfield, B.	Hurt, F.
Bradshaw, J.	Hutt, W.
Bridgeman, H.	Inglis, Sir R. H.
Broadley, H.	Irton, S.
Bröcklehurst, J.	Jackson, Mr. Serjeant
Brodie, W. B.	James, W.
Brotherton, J.	Kelly, F.
Brownrigg, S.	Knatchbull, right hon.
Bruges, W. H. L.	Sir E.
Buck, L. W.	Labouchere, rt. hn. H.
Buller, Sir J. Y.	Litton, E.
Bulwer, Sir L.	Loch, J.
Busfeild, W.	Lockhart, A. M.
Canning, rt. hn. Sir S.	Lowther, J. H.
Carew, hon. R. S.	Luças, E.
Chichester, Sir B.	Lushington, C.
Childers, J. W.	Lushington, rt. hn. S.
Chute, W. L. W.	Lygon, hon. General
Clements, Visct.	Mackenzie, T.
Clerk, Sir G.	Mackenzie, W. F.
Clive, E. B.	Maclean, D.
Clive, hon. R. H.	M'Taggart, J.
Cochrane, Sir T. J.	Mahon, Viscount
Colquhoun, J. C.	Maule, hon. F.
Coote, Sir C. H.	Meynell, Captain
Corbally, M. E.	Mordaunt, Sir J.
Crawford, W.	Muntz, G. F.
Darby, G.	Oswald, J.
D'Eyncourt, rt. hon.	Pakington, J. S.
C. T.	Parnell, rt. hn. Sir H.
Divett, E.	Patten, J. W.
Donkin, Sir R. S.	Pattison, J.
Douglas, Sir C. E.	Perceval, Colonel
Duncombe, T.	Philips, M.
Duncombe, hon. W.	Philpotts, J.
Duncombe, hon. A.	Plumptre, J. P.
Easthope, J.	Powell, Col.
Egerton, W. T.	Praed, W. T.
Ellice, Capt. A.	Pringle, A.
Ellice, rt. hon. E.	Pryme, G.
Estcourt, T.	Rawdon, Col. J. D.
Ewart, W.	Richards, R.
Fitzalan, Lord	Rushbrooke, Colonel
Fort, J.	Russell, Lord J.
Fremantle, Sir T.	Salwey, Colonel
French, Fitzstephen	Sanford, E. A.
Gaskell, J. Milnes	Seymour, Lord
Gladstone, W. E.	Sheil, rt. hon. R. L.
Gladstone, J. N.	Shirley, E. J.
Glynne, Sir S. R.	Smith, R. V.
Gordon, hon. Capt.	Somerset, Lord G.
Goulburn, rt. hon. H.	Stanley, Lord
Graham, rt. hn. Sir J.	Stansfield, W. R. C.
Grant, Sir A. C.	Stuart, W. V.
Greene, T.	Strickland, Sir G.
Grey, rt. hon. Sir G.	Strutt, E.
Hale, R. B.	Style, Sir C.
Hardinge, rt. hn. Sir H.	Trevor, hon. G. R.
Harland, W. C.	Walker, R.
Hill, Lord A. M. C.	Wallace, R.
Hill, Sir R.	White, A.
Hobhouse, rt. hn. Sir J.	White, H.

White, S.†

Wilmot, Sir J. E.

Wood, B.

Wrightson, W. B.

TELLERS.

Freshfield, J. W.

Warburton, H.

List of the NOES.

Bagge, W.

Barnard, E. G.

Campbell, Sir J.

Dennistoun, J.

Ellice, E.

Euston, Earl of

Feilden, W.

Ferguson, Colonel

Hodgson, R.

Ingham, R.

O'Connell, Dan.

Power, J.

Redington, T. N.

Stanley, hon. W. O.

Stock, Dr.

TELLERS.

Hinde, H.

Jervis, J.

IDOLATRY IN INDIA.] Sir *R. H. Inglis* said, that pursuant to the notice he had given, he wished to put a few questions to his right hon. Friend the President of the Board of Control relating to the part alleged to have been taken in certain idolatrous ceremonies, by some of the East-India Company's servants in India. The House was aware that very great anxiety existed in this country, as well as in India, on the connexion of the company with some of the idolatrous ceremonies of the natives. His right hon. Friend had, on a former occasion, when he had put a question to him on this subject, quoted an extract of a despatch from Lord Auckland, the governor, in which it was stated, that the system under the despatch sent out in 1838 was working steadily and safely. Now his first question to his right hon. Friend was, whether he would have any objection to lay before the House a copy of the despatch of which he had read a part? His right hon. Friend had stated, that that document was half-public and half-private, but, such as it was, would he produce it among the other documents to be laid before the House? His next question was whether from any documents, public, or private, he could state to the House that the system under the despatch of 1838 worked well, and whether any substantial relief had been given from the grievances under which any of her Majesty's subjects had laboured under the system which the despatch of 1838 was intended to correct? His next question was, whether any one single measure of the directors or of the General Government of India had been adopted to carry out, as far as the Madras Presidency was concerned, the despatch of 1838, which despatch was itself a carrying out of the despatch sent out by the directors in 1833?—His next question was, whether

his right hon. Friend felt himself at liberty to state to the House that any one grievance under which the Christian soldiers, or the civil servants of the company had laboured with respect to the attendance of the idolatrous ceremonies of the natives had been removed, particularly as related to the Presidency of Madras; and if his right hon. Friend could not give the House any satisfactory statement on that head, as he believed he could not, whether he could give a promise that such measures should be adopted between this and next Session, as should enable him to state by that time that the grievances complained of had been redressed?

Sir *J. C. Hobhouse* begged, in reply to the questions of his hon. Friend, to say, in the first place, that he had no objection to the production of the extract from the letter of Lord Auckland, which he had read on the 27th of July last. It was true, that that letter was partly private and partly public; but still he had no objection to its production. Before he replied to the other questions put by his hon. Friend he wished to state, that the papers which had been moved for on this subject towards the end of the last Session, and which would give his hon. Friend much more information respecting it than he now seemed to possess, had not been laid on the Table of the House, before the close of the Session. He would take an opportunity, before the House rose that evening, to move for the production forthwith of the papers moved for last Session, to which would be added other documents which, he trusted, the House and his hon. Friend would find satisfactory. As to the question whether he could take upon himself to say, that anything had been done as to the settlement of this unfortunate question, for so he would call it, he had the pleasure of being able to say, that he considered what had been done in all the presidencies with one exception, to put an end to all connexion between the company's civil or military servants and any of the religious ceremonies of the natives, had been most satisfactory. In Bengal, the pilgrim tax had been abolished at Allahabad, Gya, and Juggernaut, and some of the documents which he should move for would show that in the Presidency of Bombay the civil officers of the company had been removed from any attendance at or connexion with the temples, and with the exception of the Presidency of Madras, there

was nothing which could be complained of in carrying out the dispatch of 1838. Since the subject was last mentioned he had seen the instructions sent from the General Government of India to the Presidency of Madras with respect to carrying out the instructions contained in the directors' despatch of 1838, and from those he had hopes that, the next accounts from Madras would be also satisfactory on that head, for it would appear, that, according to the steps taken by the General Government, Madras would not be found behind hand in carrying out the intentions of the directors in their despatch of 1838. At the same time he felt it due to his noble Friend (Lord Elphinstone) the Governor of Madras, to state his firm belief that the not carrying out the dispatch arose from a misunderstanding of the instructions of the General Government or of the Government at home, but the Government had since given instructions on the matter so distinct that there could be no ground for any further mistake with respect to it. He would now say a word as to the attendance of any of the company's civil or military servants at any part of the worship of the Hindoos, or of any of the religious ceremonies of the Mahomedans. On this subject he would refer his hon. Friend to the despatch of 1838, which was a carrying out of that of 1833, in which it was laid down that none of the company's Christian servants, civil or military, should be compelled to attend at any of the Hindoo festivals not consonant with the principles of the Christian religion; nor should any Hindoo troops be required to attend at the religious ceremonies of the Mahomedans or Mahomedans at those of the Hindoos. So that there was to be no compulsory attendance at any religious ceremony in any case, by which pain could be given to the most delicate conscience. Full instructions to this effect had been sent to the Governments of each presidency. His hon. Friend had asked whether those instructions had been acted upon in every case? He could not answer that question, but this he could state, that he had not heard of any violation of that order, and of this he was sure, that if the Court of Directors or the Board of Control were informed of any such violation, they would take such immediate steps as would prevent its recurrence. But let it be understood that there was a great difference between having the company's troops

drawn up as a mark of respect to a native prince and the attendance of those troops at the Hindoo temples, or accompanying the procession with their bands. He had heard from a private source, from a private letter, that troops had attended a Hindoo procession under pretence of doing honour to a native prince, but he had heard no official complaint on the subject, or had he heard of any compulsory attendance of any troops in the company's service at any of the religious ceremonies of the natives. He had heard of some disturbance which took place between a native cavalry and an infantry regiment at Madras, but had not heard the cause. He would, however, make inquiries on the subject. In conclusion, he would repeat, that if any violation of the directions of the General Government or of the Home Government should become known, immediate steps would be taken to prevent a recurrence of the offence; and he would lay any papers that related to the subject on the table of the House.

Subject dropped.

REGISTRATION OF VOTERS—IRELAND—THE FRANCHISE.] Viscount *Morpeth*, in rising to move for leave to introduce the bill of which he had given notice, said:—The importance of the question to which the motion I am about to submit refers, and the special interest attached to it as the pivot on which the political struggles of parties have turned, and the fact of it bringing me into something like rivalry with my noble Friend, the Member for North Lancashire, as regards the other Irish Registration Bill, in the way in which rivalry between us only can exist—namely, as to the quality of the measures, certainly not as to the qualifications of their proposers—these circumstances compel me to request that the House will, upon this occasion, honour me both with their attention and indulgence. Whenever this subject has been before us on previous occasions, it has been, as was correctly stated by my noble Friend opposite on a preceding evening, acknowledged, almost on all hands, that there are abuses and imperfections attached to the present system and practice of Registration in Ireland, which both admit of and call for the application of a remedy. As to the precise extent of these abuses, and the comparative degree in which fraud is practised either in this country or Scotland,

there may be, and I believe has been, ground for controversy; still, it is generally admitted that there are means and facilities for fraud connected with the present system of Registration in Ireland, and that occasional instances of fraud have taken place, is scarcely denied by any one who has addressed himself to the subject. The points which have been more particularly adverted to in discussion are the system of certificates, and the facilities afforded thereby for the fraudulent personation of either dead or absent parties, and the retention of persons on the register after the qualification, by means of which they had originally been placed, had ceased to exist, without any opportunity for subsequent correction or revision during the whole period for which the register remained in force, which, under the Irish Reform Law, is eight years. These certainly are practices which no man can stand up to defend—which every one who has addressed himself to the subject has, at least, professed himself anxious to correct. It therefore follows, that in any measure which the Government may bring forward, they will be anxious to correct such palpable and obvious abuses as those to which I have referred. The unequal and one-sided system of appeal which is confined to an appeal in favour of the franchise being limited to the complainant, and not granted to the objector, has also formed the subject of complaint. I will first apply myself to appeals with respect to matters of fact, which, under the Irish Reform Act, must of necessity be fully sifted and decided before a tribunal duly and specially constituted for that purpose. I think that where the facts of the case have been gone into and substantiated by the evidence which the Irish Reform Act, and that alone, requires at the time of registration, by the production of title deeds and other documents, and by *viva voce* evidence, none of which it might be easy, or, indeed, possible to collect and bring again together at another time, at another place, and before another tribunal, it is not consonant with the general objects involved in the Reform Act, nor with the easy acquisition of a great public right to grant any power of appeal arising out of a matter of fact. I think, however, it is fair and proper to give the power of appeal both against and in favour of the franchise—to the objector as well as the claimant on any point of law, and in all matters involving

the construction of the Act of Parliament and the legal merits of the case, provided always—and it is an important proviso, and one on which I have uniformly insisted when I addressed myself to this part of the subject—that, in the first place, the franchise be placed on a clear, distinct, and ascertained basis, and not on one, as the present, avowedly is of ambiguous and doubtful interpretation. I will not leave the entire Irish people to a second ordeal before an annual professional tribunal where the points will be adjudicated according to the strict technical interpretations of law. I have thus far indicated the length to which I am prepared to go in common with the noble Lord opposite, and I am sure it cannot be otherwise than pleasing to me to travel in his company as long as I am able. Sir, we are prepared, as he is, utterly to abolish the use of certificates, and to make the register, when it shall have been framed under due precautions, the test of the right of voting at the time of election. We are prepared to allow a periodical revision, and an appeal both ways—to the objector as well as the claimant—if Parliament shall have first consented to place the franchise on a clear and intelligible footing. With regard to the time of this periodical revision, I am content to take the same period as that which has been selected by my noble Friend, namely, that it shall occur once in every year. But while I limit the revision to take place at the interval of one year, I cannot consent to give up the point for which I combatted last year, though, I admit, without success, which is to deprive the Irish voter of that facility and advantage which he now enjoys, of preferring his claim to be registered by the assistant barrister every quarter at the ordinary quarter sessions. This is a privilege and an advantage he has long enjoyed, which has incorporated itself with the habits and customs of his life, and I cannot consent to take away from him that of which he has been so long in possession. When the voter is once placed on the register, I propose he shall be liable to have his title to vote annually called into question at the periodical revision. At the same time, if nothing has occurred which in any manner alters the original qualification in virtue of which he was placed upon the register—if nothing has taken place to disturb that—if every thing remains the same, I am content with the strict and searching investigation which is prescribed by the Reform Act. I do not

wish to make his vote subject to any further disturbance. I cannot, then, assent to that part of the scheme of the noble Lord which makes the voter, after his claim has been regularly registered, liable to have that claim called in question every year, which would leave that vote which had been judged good and valid in one year, liable to be called in question the next, and so on to all "recorded time." And it should be borne in mind that this is no improbable or hypothetical case that I am stating. It is one that must be acknowledged to be most likely to occur in Ireland. Suppose there is an assistant barrister who takes the narrower and more limited view of the franchise: he rejects a claim, and the claimant appeals to the judge who takes the more enlarged and liberal view of the franchise. The judge places the man upon the register; but the same claimant is liable to be called again before the assistant barrister, who makes it a point of duty to exclude him. So likewise with respect to the second appeal of the noble Lord opposite. A man claims before an assistant barrister who takes the enlarged view of the franchise, and his claim is admitted. An appeal is made to the judge whose view of the franchise is limited, and he discards the name. And thus it might happen every year that a claim, after having been placed upon the register by an assistant barrister of more liberal views, might be liable to be thrust out of it by a judge of assize. The noble Lord intimated on Tuesday in the course of his speech that he was willing to lop off some of the toppings of that hydra-headed schedule appended to his bill, so far as regarded the different heading of the claims. I therefore think we shall not quarrel upon this part of the subject. For my own part, I am contented with what the Reform Bill specifies as necessary to be stated by the voter. With respect to the court of appeal, I propose to retain the same provisions which were introduced into the bill brought into this House by my right hon. and learned friend the Attorney-general for Ireland in the course of last Session, and which were also the same as those intended to be applied to England by my noble Friend the Secretary for the colonies. I assent to the weight of those arguments which make against the project of the judges of the land being constituted into a new court of appeal; for I think that such an office must have a tendency to contaminate their most important and solemn functions. Far be it

from me, indeed, to say that there would be the actual existence, but it is certain there might be the imputation of an existence of political and party feeling in their decisions, and thus might arise a tendency to lower their high office and station in the public estimation. I propose, therefore, instead of the plan introduced by the noble Lord in his bill, that the new court of appeal shall consist of three barristers, of certain standing in their profession, to be appointed by the Speaker of the House of Commons. Having mentioned the court of appeal, I am brought, by a natural transition, to speak on the question of the franchise. The noble Lord, in his speech the other night, seemed to intimate that I was, or should be, guilty of some inconsistency in mixing up the question of the franchise with the other parts of the registration code when called upon to amend it. Sir, so far from admitting this, I am sure it will be acknowledged that I have always stated in this House that it would be expedient at any time, and in any point of view, and absolutely essential before we constituted a second court of appeal to put the franchise on a distinct and ascertained basis. I do not think that any honourable Member who has attended to the course and current of events relating to this question—who has marked what has taken place in Ireland—can doubt the propriety and expediency of combining these subjects together. What is the actual state of things? We find, with respect to the qualification for the right to vote—with respect to the effect of the very words which form the elective franchise of the whole people of Ireland, first, that the opinion of the judges is divided; next, that the opinion of the assistant-barristers is divided. Upon leaving the judgment seat and coming within these walls we find that the opinion of the two great political parties in this House is divided. Nay, further, if we are to give credit to the speeches that have been quoted on both sides—to the speech of the Duke of Richmond—to the speech of the Marquess of Lansdowne, quoted against Lord Melbourne—it would seem that the opinions of the framers themselves of the Reform Bill is divided upon this important question. We find, then, that the judges and the barristers; the framers of the law and its ministers; in a word, that all sides and all parties are equally divided, equally confused, and equally perplexed. All this may be amusement to exercise the ingenuity and talents of the learned func-

tionaries of the law, but it is far from being a source of amusement to the voter. Whatever interpretation you assign to the law; whether you take that definition which for brevity I will call the solvent tenancy; or whether you take the beneficial interest as the scope and meaning of the law, each almost alike involves the temptation to, and endless opportunities for, controversy. Some indeed, have said, that the door is opened for perjury and fraud, but without going so far, I will say that an endless field is afforded for confiction of opinion and confiction of testimony. Matters being so, I appeal to all those hon. Members who take a calm, dispassionate view of the question, whether it be or not expedient to endeavour, at least, to put an end to so unseemly a state of things. It appears to me that it matters but little whether the object be effected by one or two bills, but it appears clear that in a measure professing to remedy the evils of the existing state of registration, to leave this great evil untouched, would be effecting little or nothing in the way of sound and statesmanlike legislation. If doubt and uncertainty are characteristic of the present state of the franchise, it must follow that the best remedy is to place it upon such a basis as to leave no room for doubt. It would further be advisable that we should find some basis distinct and independent, a ground disconnected with the franchise itself, and that the basis should be one which furnished a countervailing check against the introduction and operation of such matter as has been hitherto complained of. Sir, we think we find such a basis, comprising the different qualities and recommendations I have described in the valuation for the poor-rate, as prescribed in the recent Poor-law Act for Ireland. This shows on the face of it a distinct and definite sum; it was assessed for a purpose altogether distinct from the franchise, and it would appear to be operative as an effectual countervailing check in preventing men from endeavouring to be put improperly upon the register. The desire, far more prevalent in human nature than a desire to get on the register, the desire to spare himself from extra burden, would prevent a man from trying to be assessed to the Poor-rate for more than his property is worth. I am glad that this view of the case, founded, as I think it is, on reason, has been strikingly and forcibly confirmed by those whose authority I would rather be supported by than any other on this

subject, because they are men who take moderate views of the questions of the day, and belong to both sides of politics. The hon. Member for Mallow, Sir D. Norreys, expressed himself as follows: on the qualification of voters, May 28, 1840:—

“I rise, Sir, for the purpose of expressing my regret that although the hon. and learned Gentleman has introduced a measure to remove doubts connected with the franchise in Ireland, he will still be leaving that franchise open to dispute, and to be decided by opinion, instead of upon fact. I repeat that I deeply regret that the hon. and learned Gentleman, who has paid greater attention to the business and interests of Ireland than any Solicitor-general I have ever yet seen, has not grappled with this difficulty, and at once attempted effectually to remove it; and I certainly think it is a subject well worthy the attention of the Government, now that Ireland has been regularly valued with reference to the rating under the Poor-law, to consider whether a plan to effect this object might not be formed, taking some standard of rating under the Poor-law upon which a man might claim the exercise of the franchise. According to the bill now brought forward by the hon. and learned Gentleman, proof of value will still be given on oath, and still be met by proof on oath of the contrary. Landlords will still be arrayed against their tenantry, and the tenantry against their landlords, differences which this subject, more than any other, tends to promote. Why not, then, now that the valuation under the Poor-law Act has been taken, adopt some standard of qualification for the franchise, that shall establish it on fact, and render it incapable of being questioned or contradicted? I can only say that I hope some such plan as this may be adopted: and I should be glad to see such a proposition originate with the hon. and learned Gentleman, convinced, as I am, that such a measure would conduce to the welfare of Ireland, by conciliating both landlords and tenants, and rendering votes secure, instead of uncertain and open to every sort of objection, as under the present most vexatious system.”

I will also read to the House an extract from the speech of the hon. Member for Monaghan, Mr. Lucas.

“I agree with the hon. Baronet who has just sat down, that the measure now proposed will not remove the evils complained of. I think it will, on the contrary, have the effect of fixing and rendering permanent the evils which at present exist. With respect to the observations that the hon. and learned Gentleman has addressed to the House, as to the mode of ascertaining the franchise in Ireland. I shall feel myself guilty of a dereliction of my duty, if I did not express my concurrence in what has just fallen from the hon. Baronet the Member for Mallow. For my own part, I cannot refrain from saying, that I think a

higher franchise for Parliamentary electors would be preferable to a low one ; but putting that party consideration out of view, and looking only to the interests of the country at large, I do think that the hon. and learned Gentleman's proposed mode of ascertaining the franchise is one which he will himself, hereafter, have cause to regret; and will remove none (on the contrary, will produce many more) of the evils we have now to complain of."

I omit a few sentences here which do not seem to bear so much upon the point. The hon. Member continues:—

"It would therefore be decidedly better to take some other standard of the value of property which shall confer the elective franchise. The ordnance, or Poor-law valuation, as suggested by the hon. Member for Mallow, might be adopted for this purpose; and even valuations by competent surveyors; though these, I admit, are frequently liable to the objections of uncertainty, and therefore inferior to the other tests, would be preferable to the indefinite criterion now proposed. I must say, therefore, that I think the hon. and learned Gentleman will do better to adopt one of those tests of value; and at all events, I will venture to predict that, when this question shall come before the House, and the principle of this bill of the hon. and learned Gentleman shall have to be determined upon, the good sense of the English Gentlemen in this House will prevent such a measure as the one now proposed, from passing into a law."

Sir, I will not quote the remarks which I offered on that occasion, although I confess I am under a strong temptation to do so, if only for the purpose of showing how little I am liable to the charge of inconsistency in attempting to connect the valuation of the Poor-law with the elective franchise. I then distinctly recorded the opinion how desirable I thought such a connection would be. I presume my noble Friend, in making that charge against me, wished to punish me for the single instance in which I supported him with a vote. I now pass on, Sir, to matter which is far more worthy the attention of this House than anything I may have advanced. I mean, Sir, in a speech made, not upon the question of registration, nor upon the Poor-law, but bearing precisely upon the point we have under discussion—a speech made upon the question of Irish municipal corporations on the 29th of May, 1838, by the right hon. Baronet the Member for Tamworth, whose absence upon this occasion I much regret. The observations then made by the right hon. Gentleman were distinctly, and I think most strikingly con-

clusive upon the point I am endeavouring to urge. Those observations were as follows:—

"I will not consent to any franchise which may produce the uncertainty which has arisen under the act for the constitution of the elective franchise for Members of Parliament. I will not consent to increase the necessity for appointing a committee of inquiry to ascertain how far the carrying out of this bill depends on fictitious votes. I will leave it to the committee, however, and I will say, that it is incumbent on Parliament to define what the franchise shall be. I find that the present test is unsatisfactory, and I would depend on no test which involves the mere principle of valuation. I think that that must be a bad principle which holds out the temptation to take false oaths. That is entirely unsatisfactory; and I must say, that I expect the concurrence of the greater proportion of this House, in the opinion, that whatever franchise is granted, ought to be a *bona fide* one. We ought to know what is the franchise intended to be given; and it is necessary to adopt such an one as that no temptation shall be held out to commit fraud in respect of it, as well for the sake of the morality as of the prosperity of the people; and I must repeat, that such a franchise must be determined upon as will not even afford the excuse for fraud. For my own part, I conceive, that by far the most effectual franchise is that which in itself will act as a check upon the constituents, and that which is adopted under the Poor-law is the best which could be determined upon; because the House must agree that persons who are included in the franchise under that law, are prevented from demanding an entail of it, to which they are not entitled, by their power of voting being proportionate only to their rental; and persons who are rated at a rental larger than they actually pay, are at all times desirous of getting their rates lowered, in preference to enjoying any extended right of voting. In that system, then, there is a constant check upon the voters; and, although it is possible that it could not be applied strictly according to the same rule, in this case, yet a corresponding principle might be acted upon."

This extract strikingly confirms the view I have taken, that it would be most desirable to have the criterion of an ascertained amount, and one which supplies a check against attempts to be improperly placed on the register. Sir, I have thus attempted to defend the course pursued by her Majesty's Ministers, on the ground both of reason and authority. But having got thus far, and asking the House to assent to the principle of fixing the franchise on the valuation under the Poor-law, I am led to what is by no means the least difficult part of my undertaking; namely, to

state in what mode it shall be applied to the franchise, and at what amount of rating the franchise shall be fixed. I can hardly hope that what I have to propose will be equally acceptable to all parties in this House. I can only hope that a brief and clear statement, such as I can place before this House, will induce the House to believe that the course I am proposing is founded on honest motives, and upon reasonable grounds. Whenever the notion of the Poor-law valuation being applied to the franchise has been broached in this House, it has been apprehended by those who are friendly to a liberal interpretation of the franchise, that it would have the effect of cutting it down. It has been supposed, with any deduction from the gross value, and with the desire that would be inherent in the mind of every person liable to be rated, to have his amount of contribution reduced to the lowest possible sum, that almost any amount of value connected with the Poor-law, would have the practical effect of raising the standard of the elective franchise higher than is required by the Reform Act now in force. When I have before expressed in this House, as I have already intimated, my own opinion that it would be expedient to connect the standard of the elective franchise with the valuation to the rates under the Poor-law, as the most satisfactory and complete assessment of the kind with which we are furnished, I have had at the same time to explain that, in previous years, we were not furnished with sufficient information as to the working and result of the Poor-law, and that, consequently, it would be premature to proceed to final legislation on such a measure. I fear that, even at this day, we are not furnished with as much information as could be wished on a point of so much importance, but such as we could gain we thought it our duty to acquire and collect, and digest as we best could, so far as regarded the leading results. After the close of the last Session, my right hon. and learned Friend near me put himself in communication with the Poor-law commissioners for Ireland, in order to obtain information from them of such a nature as would be most calculated to throw light upon the subject, and also with regard to the working and results of the whole system as applied to different parts of the country, in all the varieties of position. My right hon. and learned Friend, the Attorney-General for Ireland, then selected two gentlemen of his

own profession, upon whose character and intelligence he could place the fullest reliance, and they were directed to repair to such unions as were pointed out, as containing materials for the fullest and best information, and there upon the spot diligently to inquire into the nature of the valuations, the mode in which they were drawn up, and, where possible, to compare them with the list of registered electors under the Reform Act. In pursuance of these instructions, those Gentlemen visited the following unions;—Balrothery, County Dublin; Longford, Longford; Lurgan, Armagh, Down, and Antrim; Belfast, Down, and Antrim; Parsonstown, King's County; Clonmel, Tipperary; Carrick, Tipperary, Waterford, and Kilkenny; Scariff, Clare; Fermoy, Cork; and Bandon, Cork. It certainly is to be wished that the report was more comprehensive, but from the incomplete state in which these Gentlemen found many of the valuations, it was impossible it could be so. However, the different circumstances which they observed in the various districts they visited, give us reason to think that the results they have obtained afford a fair sample of what may be obtained over the whole surface of Ireland. The report states:—

“ We inspected the rate-books and the minute-books of the boards of guardians, and we extracted the various resolutions passed in each union with reference to the valuation. The proceedings with reference to valuation bear some traces of uniformity in all the unions. The general course followed was, to appoint a committee of three or more guardians, to inquire into existing surveys and valuations, and to report whether they were available or sufficient for the purposes of the poor-rate. The committee so appointed in all the unions that we visited, came finally to the resolution that the existing surveys and valuations were insufficient, and that new valuations were necessary. In some unions the number of valuations was two, in others three; in some only one. We found in the unions which we visited that the valuers had generally traversed each district of the union; ascertained, as well as circumstances enabled them, the boundaries of each farm; set an acreable value on the land comprised in it, generally added some small sum for the house, and finally entered in the rate book, ‘net annual value’ of the whole tenement, according to the interpretation which, under the influence of the Poor-law commissioners, the guardians and inhabitants of the union, and their own opinion, attributed to that phrase. We found an opinion prevailing in every union which we visited that the valuation under the poor-law would

probably influence landlords, and perhaps be adopted by some of them in determining the amount of rent at which they would in future let the farms on their estates. An opinion is also generally prevalent that the valuation will probably at some future time be made the basis of other public assessments. By the operation of the 74th section of the act, the lower the test of value adopted in the union, the less the proportion of the rate which is to be paid by the tenantry, and the greater that of the landlords. A desire exists in every union, that the relative value of the tenements within it should be carefully ascertained, so that each locality of the union and each tenement may bear their fair proportion of the common burden. But, probably from the causes already referred to, the inhabitants generally wish the valuers to adopt a low scale of value. In this desire the majority of the board of guardians in every union we have visited, concurred. And the landlords in general do not appear to be induced, even by the operation of the 47th section, to take any active steps for the purpose of having a high value set upon their estates in the rate-book of the union; and it may be questioned whether any of the landlords feel that they would have a lasting interest in doing so. The impulse towards a low valuation is nearly universal. We made minute inquiries in each union with a view to ascertain what test of value had in fact been adopted. The test of value enjoined by the Poor Relief Act is the rent at which, one year with another, the tenement in its actual state might be reasonably expected to let from year to year, the probable annual average costs of the repairs, insurance, and other expences, if any, necessary to maintain it in its actual state, and all rates, taxes, and public charges, except tithe, being paid by the tenant. In all the unions, however various the forms of language adopted by the valuers in their evidence, we found that the test of value which had been in fact adopted in valuing a tenement was the rent at which a good landlord ought, in their opinion, to let it. And in applying this test the valuers have almost universally reduced their valuations below the rents even of the most indulgent landlords in Ireland."

Mr. O'Connell inquired the names of the gentlemen from whose report the noble Lord was quoting?

Viscount Morpeth: Mr. Hague and Mr. Vesey. The noble Lord then proceeded to read an extract from that part of the report relating to the rural districts of Belfast, as follows:—

"In our reports from the rural districts of Belfast, it will be found that wherever the valuation of a tenement coincided with the rent actually paid, the tenant could, in fact, if he were quitting the farm, sell his interest or his good-will, from 10*l.* to 15*l.* an acre. In

nine out of the eleven rural divisions of the union the actual rents exceeded the valuation in proportions varying from 5 to 30 per cent. 'In the division of Castlereagh, it appears that the rent and the valuation are nearly equal. In this division, therefore, the valuers were of opinion that the rents were fair as between landlord and tenant. It is in this division, that the farm of John Orr, the valuator, is situate. Lord Downshire is the landlord.' 'He states that in High-street the valuation is sometimes 10 per cent. under the rate actually paid. He has no doubt that those rents (viz., the rents in High-street) are paid.'"

I may also observe that in Clonmel, union, the valuers in all cases inquired into the rents, and found them higher than the value which they set upon the tenements. The following are the words of the report relating to that district:—

"The standard of value adopted by them is nearly the same as that adopted by the other valuers whom I had previously examined. They formed in their own minds a scale of living, and valued the land at what a solvent tenant could afford to pay for the land, after having out of the produce of it maintained himself and family according to the scale laid down. That scale was merely a sufficiency of bread and milk every day for himself and his family, and meat two or three times a week, and comfortable clothing for himself and family."

In our reports from Lurgan, it will be found that even farms, the tenants of which could get 15*l.* or 20*l.* an acre for their interest, the valuation was still below the rent. 'In making the valuation, he always preserved an interest of 10*l.* an English acre to the tenant; of course he was to have his profit besides.' 'Took the 10*l.* an English acre as the lowest which the tenant ought to have, under all circumstances.' 'On being asked what he had valued that land at, it appeared that he had valued it only at 26*s.* an English acre, although in fact it brought 27*s.* or 27*s.* 6*d.*, and 20*l.* an acre as a fine. He adds that he valued some land at 26*s.* which was probably let at 27*s.* 6*d.*, that land would, if sold, bring more than 20*l.* an acre; it would bring from 20*l.* to 30*l.*, and thinks that the purchaser could make his money of the land, if he purchased it at that rate.' He added that he thought the land above referred to, which was let at 27*s.* 6*d.*, and which had been valued by him at 20*s.* or 21*s.*, would bring from 42*s.* to 45*s.*, if set up to be let to the highest bidder; 'and he thought it would bring that from a solvent tenant.' But he never took as a test what land would bring if set up to be let at the highest rate that a solvent tenant would pay. 'There is a valuation in the town of Lurgan, which was made under the Paving and Lighting Act, 9 Geo. 4th, c. 82, which was adopted there about ten years ago. The valuation of the union under the Poor-law, when compared

with the preceding valuation of the town of Lurgan, appears about one-third lower.” “The valuator of Longford stated his valuation to be from one-quarter to one-fifth lower than the rent actually paid. The report from Fermoy union shows the rents actually paid to be sometimes double the valuations inscribed in the Poor-rate book. In Parsonstown, the valuation was from one-quarter to one-fifth lower than the rents. In Scariff, the disparity was still greater. ‘That a valuation effected on this principle, must in general be lower than the rent, follows from the valuator having adopted a scale of living for the tenant, above the ordinary situation of the peasantry in this country. Accordingly, Mr. Sampson, in his evidence, states, that in almost all the instances (except on the estate of Colonel Wyndham) his valuation was lower than the rent. He mentions one farm which he valued at 26s. per acre, while the rent paid for it is 35s. per acre.’—Scariff Report. In Carrick, Balrothery, and Naas, the same fact was prominent. In every union the rents were above the valuation.”

Framed as the valuations have been, if a rating at 10*l.* in the poor-rate book, combined with the same tenure as is now required by the Reform Act, were made the test of the parliamentary franchise, such a measure would disfranchise a large proportion of those who are now in possession of the right to vote. We compared the rating of the registered electors in each union, in as many instances as the state of the valuations and the books enabled us to make the comparison.

	No. of £10 electors whose rating would be ascertained.	No. of the preceding who appeared ra- ted at sums under £10.	No. of ditto who appeared rated at sums under £5.
Balrothery	200	50	17
Lurgan	348	71	6
Parsonstown	220	79	17
Scariff	66	33	20
Longford	167	9	0

I know not whether, from these facts, the noble Lord (Lord Stanley) opposite may claim a triumph as exhibiting a proof that there are 10*l.* voters upon the list who ought not to be placed there. Be that as it may, I have thought it right that the House should be in possession of the true and accurate state of the case. The facts and circumstances I have stated go to show that a rated net value of 10*l.* would range very far indeed above either the solvent tenant test, or the occupier's profit test; and I think it is also clear that there are

instances, and not a few, in which even a rated net value of 5*l.* would, in fact, raise the standard for the elective franchise higher than is now, under circumstances without any suspicion or allegation of abuse, practically enforced under the Reform Act. I am aware that, if the test of rating by the poor-law valuation were applied to the elective franchise, then there would be in some instances, and to a certain extent, a counter-motive brought into operation for making a person wish to have himself rated higher. But I think that this would operate very feebly in comparison with that which I hold to be the more natural and inherent feeling in the human breast—a feeling which was so well and forcibly expressed in the speech of the right hon. baronet the Member for Tamworth, to which I have already referred—a feeling which induces persons to seek to incur the smallest possible amount of pecuniary burden coming home to their own purses and pockets; and it will be remembered that the exercise of the elective franchise is an advantage and a privilege which can only be enjoyed occasionally, and at considerable intervals; whilst the pressure of the poor-law-rate upon the purse and pocket of the persons assessed to it is annual and permanent. This, I apprehend, would operate as a great drawback to the desire that might otherwise exist to be rated above the real value for the sake of acquiring the right to vote. When we are called upon to make a large alteration, and a fresh settlement of the elective franchise in Ireland, it can hardly be expected that we should propose to raise the standard. This, I think, must at once be conceded by those who have given any attention whatever to the statements often made in this House, and which have never been impugned, as, indeed, it is impossible they should be, seeing that they have been drawn from parliamentary and authentic documents, of the absolute and the comparative numbers of those who enjoy the franchise in England and in Ireland. I do not wish to enter at any length upon this part of the subject. I am aware that it is the peculiar province of the hon. and learned Member for Dublin to discuss this view of the question. But still I think I should not do justice to the case I have undertaken—the matter being of great importance—if I did not very briefly, and in a very few instances, call the attention of the House to some of the most striking results and contrasts which are to be ob-

served between the number of parliamentary electors in Ireland and the other parts of the United Kingdom. The short statement I am about to make is not so conclusive of the point I am now seeking to establish as it would be if I had the most recent data; because, it is well known, that whilst the population of Ireland, within the last few years, has been largely and rapidly increasing, the number of the registered electors has been at least as largely and as sweepingly diminished. In a few days we shall have, in an authentic and specific form, the number of electors actually upon the register in Ireland at the present time. Till that authentic information is afforded all that I can do is to refer to the state of the constituency as it appeared from the register at the end of the year 1837. For the amount of the population I must refer to the return of the census of 1831. I will first call the attention of the House to the disparity in the number of electors in counties in England and Ireland, having a population of less than 100,000. It appears, then, that Monmouthshire, having, in 1831, a population of 85,000, has a constituency of 4,347; whilst Carlisle, with a population at the same period of 72,391, had, according to the register of 1837, a constituency of only 1,723. Bedfordshire, with a population of 88,424, has a constituency of 4,434, whilst Louth, with a population of 94,203, has a constituency of only 989. In the counties having a population of between 100,000 and 200,000, I find that Nottinghamshire, with a population of 103,974, has a constituency of 5,760; whilst Kildare, with a population of 108,424, has only a constituency of 1,445. Berkshire, with a population of 114,362, has a constituency of 5,755; whilst Longford, with a population of 112,000, has only a constituency of 1,770. In the counties having a population of between 200,000 and 300,000, I find that Cheshire, with a population of 260,462, has a constituency of 12,811; whilst Roscommon, with a population of 244,000, has only a constituency of 2,061. In the counties having a population of between 300,000 and 500,000, I find that Somerset, with a population of 327,000, has a constituency of 18,415; whilst Tyrone, with a population of 393,000 has only a constituency of 2,862; and Kent, with a population of 379,267, has a constituency of 15,725; whilst Mayo, with a population of 366,328, has only a constituency of 2,057. In addition to this, I may

refer to a fact, of which I have been credibly informed, to show how the constituencies of Ireland have since dwindled. It has been ascertained at the recent election for Mayo, that the number of electors now actually upon the register in that county does not exceed—I have received two or three accounts somewhat varying in amount—but I believe I may safely say that the actual number of the electors now upon the register does not exceed 600 or 700. These are the constituencies then which my noble Friend and other Members of the House strive to make us believe are so swelled and vamped up by spurious voters. I know not what object either my noble Friend or his supporters can have in seeking still further to contract their numbers. But this I know, that if the noble Lord and his Friends should succeed in bringing the contraction to the point they aim at, they will place the elective franchise in Ireland upon a footing not known or recognised in any other part of the realm. I will not detain the House by any further reference to documents than just to state the disparity in the number of electors in the two counties in the two kingdoms which have a population of upwards of 500,000. It seems that Yorkshire, the county with which I have the honour of being connected, has a population of 891,795, with a constituency of 47,952; whilst Cork, with a population of 660,554, has only a constituency of 4,888. Now, I think that in this state of circumstances—in this state of contrast between the relative positions of the two countries with respect to the number of those who enjoy the elective franchise, it must be admitted, that it would not be expedient to raise, in any degree, the standard of the franchise now subsisting in Ireland. I have already stated my reasons for believing that a very considerable nominal reduction of value—supposing you applied the test of the Poor-law valuation—would practically, and in effect, scarcely reduce the *bona fide* amount of value below what is now prescribed by the Reform Act. Of course it would be hopeless and chimerical in us to attempt to fix upon any precise sum which should act as the precise equivalent for the amount of value now prescribed by the Reform Act. But I think that the Poor-law Act, of which we avail ourselves for testing the reality of the value, will also afford a fair criterion for fixing its amount. The 72d section of the Poor-law Act says,

“ Provided always, and be it enacted, that

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in any case where the net annual value of any property shall not amount to 5*l.*, if the occupier, and his immediate lessor, by any writing under their hands, shall require, and if the guardians of the union, wherein such property is situate shall by a minute of their board agree thereto, such immediate lessor shall be rated instead of such occupier; and such rebate from the rate may be made (not exceeding ten per cent.) as the guardians shall by such minute allow; and such minute, until altered as hereinafter provided, shall bind such lessor, his heirs, and assigns, unless the commissioners shall at any time disallow the same or any part thereof, which shall thenceforth, so far as the same shall be disallowed, be of no effect; and such minute shall in no case be altered or rescinded by the guardians until twelve months after the making or last previous alteration thereof, not within six months after the consent of the occupier and lessor to be effected by the alteration shall have been given to such alteration; provided, nevertheless, that the occupier of any property, the immediate lessor of whom shall have been so charged, shall be entitled to be rated, on giving to the board of guardians of the union in which such property is situate, six month's notice, according to the form contained in the 3rd schedule to this Act annexed."

Now, I should propose to fix the standard for the elective franchise at the same amount of value at which the Poor-law Act fixes the liability of the occupier to payment as a matter of necessity at that amount which must be discharged by the occupier himself, and which cannot be shifted upon the owner, or upon any other person. That is to say, if you apply the test of the Poor-law valuation, I would take as the amount of rate requisite to give the elective franchise a rated net value of 5*l.* I do not disguise from myself, that in the course of time this may lead to some increase in the number of those who enjoy the elective franchise. I do not think it would give rise to any sudden or violent increase. I think it would operate very slowly, and that it would only extend the franchise in a degree that would be perfectly proportionate with the increasing wealth and resources of the country. The standard for the franchise, whatever it be, must be fixed and definite, and it must be guarded, as far as it can be guarded, against the possibility of fraud or collusion. I do not propose to effect any material alteration in the tenure under which the elective franchise is at present enjoyed. I know that there are some who are for fixing the franchise purely upon rating, without any reference to tenure, making the right of

voting entirely independent of the period of the interest which the occupier has in his holding; and I know that one or two very plausible reasons might be stated in defence of that principle. But I think it would be a novel principle in a constitutional point of view. When I refer to the only antecedent that we have of it, to the 50*l.* tenant-at-will clause, in the English Reform Act, I own that the practical working of that clause, as far as it has yet been developed, does not fill me with a wish to introduce a similar principle upon a more extended scale into the constituency of Ireland. It is true, that this innovation would make the occupier, as to his right of voting, entirely independent of his landlord. But, as we now frequently hear, whether justly or not, of the mode in which landlords deal with the tenants who do not coincide with them in political views, I think that opening to them the temptation of voting when they have no right of possession, would expose a far larger and more helpless class to a much more real dependence upon their landlord, and to much more severe risks of retaliation than it would be either prudent or proper to hazard. Much as I value the enlargement and extension of the franchise, I own I set a higher value upon the harmony and good-will of the several classes of society; and while I would discountenance, and do what in me lay, to suppress all unauthorised aggression, all tyrannical oppression of one class upon another, I would not originate any proposition which I think would have the effect of materially heightening and aggravating the dependence of the humbler upon the higher classes. I therefore would propose to annex to the qualification of a tenement rated at the net annual value of 5*l.*, an interest in the holding of not less than fourteen years, being the lowest tenure at present retained in the Irish Reform Act, and within which two denominations of electors are comprised. I have now gone through the main provisions of the measure which I intend to propose to the consideration of the House. There are of course some subordinate plans and arrangements that must necessarily arise out of it; but these are its principal features;—comprising, annual revision upon all new matter; a right of appeal both ways upon all points of law, and the fixing of the franchise upon the Poor-law valuation; which last great alteration, if the House shall be contented to adopt it, will, as it seems to me, go very

far to dispense with the necessity for the other two, inasmuch as that, if you have a fixed and ascertained basis, liable to no fraud, leading to no dispute, susceptible of no contradiction, you will scarcely have room or opportunity for revision or appeal. This is the great superiority which I think the amended registration code, as I now propose it, has over that which is tendered to us by the noble Lord. As a system of registration the noble Lord's may appear the more complete in all its parts, especially if his wish be to enthrall the voter in the meshes of a tangled and complicated machinery, out of which, in most instances, it may be impossible for him to escape. But with an unsettled and disputed franchise the noble Lord's plan would still carry with it the seeds of endless doubt and conflict, and would support the continued array of antagonist passions and antagonist parties in Ireland, until at length there would be no means by which these evils could be overcome, except by that process—for which I confess the bill seems likewise admirably calculated—the process of checking and smothering the elective franchise altogether. On the other hand, the measure which I now humbly tender to the preference of the House, puts an end, almost at once, to every litigated or controverted point, appeals to a test that is at once distinctly ascertained and permanently recorded—supplies in itself a countervailing and counteracting check against the introduction of any abuse, and comes down to us recommended by the combined suffrages of the best authorities. That the measure I have now stated will meet with universal acquiescence, of course I cannot be sanguine enough to anticipate; but I cannot divest myself of the hope, that what I now propose, the more it shall be considered, the more it shall be canvassed, will commend itself to the deliberate acquiescence of the most rational men of all parties, and to the general acquiescence of the country. With this hope, and this faith, I move for leave to bring in a bill to amend the law relating to the qualification and registration of Parliamentary voters in Ireland.

Lord Stanley: Under any circumstances I should have followed the example which was set me the other evening, by the noble Lord, the Secretary for the Colonies (Lord John Russell), and upon the motion of the noble Lord, the Secretary for Ireland, to introduce either his bill, as it originally stood for “the registration of Parliamen-

tary electors,” or as it has been altered within the last eight-and-forty hours, for “the amendment of the law relating to the qualification as well as the registration of Parliamentary voters;” I say, under any circumstances, I should have followed the example set me by the noble Lord the other night, and abstained upon the introduction of this bill from offering either any opposition to it or any lengthened observations upon its contents. But if I should have done so under any circumstances, more especially am I called upon most cautiously to abstain from making any observations when the noble Lord introduces by way of postscript, into a bill professing to have for its object the amendment of the law relating to the registration of voters in Ireland, a clause affecting the qualification of voters, which in effect would amount to nothing short of a new Reform Bill for Ireland. Yes, the noble Lord now wishes us to agree to a new Reform Bill for Ireland, founded upon principles unheard of in England, and never dreamed of by any human being as applied to Scotland. To imagine that the noble Lord can introduce this important postscript into his bill, and that it should not have the effect, whatever his intention may be, of rendering it utterly impossible to carry the measure in the present Session of Parliament, is what I cannot for a moment doubt. Up to the present moment the House has been not only without notice of the nature of the measure which the noble Lord intended to bring forward, but actually without any information beyond that which the noble Lord has himself quoted this evening, upon which it could found any possible criterion by which—I will not say to judge, but even to guess, of the probable result of the measure which the noble Lord has opened to us. Upon what ground is it that the noble Lord founds his proposed alteration of the whole system in Ireland? Upon what ground is it that he proposes to introduce into Ireland so wide a departure from the law of England and of Scotland? Upon the information of two gentlemen, friends, as he states of the right hon. and learned Attorney-general for Ireland, who have been sent privately by the noble Lord to the ten Poor-law unions which have been formed in that country—who bring back their returns from those unions, which the noble Lord reads to us in Parliament from the manuscript as he has received them—which the noble Lord has not even informed us he meant to lay upon the

Table of the House for our guidance; but upon which the noble Lord considers himself justified in calling upon Parliament for the enormous alterations he now proposes to us. It is impossible, listening to the noble Lord when he reads the statements of these Gentlemen, derived as they have been from the various guardians of the ten unions which they visited, in all of which it appears that a different and varying principle of assessment has been observed—it is impossible, I say, to pursue the noble Lord through those statements and ascertain upon what principle it is that this Poor-law valuation, upon which he rests the whole fabric of his measure, has been conducted. But, as well as I could collect from the statement of the noble Lord, it appears—I hardly know whether I mistook the noble Lord's reading, whether I am to believe the evidence of my own senses, whether I am not labouring under some strange mis-impression as to the noble Lord's meaning and intention; but, as well as I could collect from the noble Lord's statement, I understood him to tell us that these valuations have been founded, as he considers, upon the net value of the property according to the amount of rent, at which a fair and justly dealing landlord might be expected to let it to a tenant. And yet the noble Lord tells us that valuations so founded, giving to the whole of the property the net value, independent of any deductions of 5*l.* or 10*l.*, are found to be fifty per cent. and 100 per cent. too high for the persons who actually are registered at this moment as electors having a 10*l.* beneficial interest. The noble Lord tells us that at Balrothery there are 200 registered 10*l.* voters; 200 men, who in the holdings which they occupy are supposed, under any construction of the existing law, to have, in some shape or other, a beneficial interest of 10*l.* a-year arising out of the property on which they live. The noble Lord tells us, that of these 200 registered electors he finds no less than fifty, the whole value of whose property does not exceed 10*l.*, and not less than seventeen, the whole of whose property, if sold in the market to-morrow, would not produce more than 5*l.* a-year. Yet every one of these persons are registered as having a clear beneficial interest in their holdings, over and above the rent, of 10*l.* Well might the noble Lord think that he was giving me a triumph when he mentioned this fact. I could hardly have believed

that the system of fraud under the existing law could, in any instance, have been carried to such an extent as I now learn it has been from the statement of the noble Lord. The noble Lord says, that the measure he now proposes is a large alteration of the existing system, and that it is a fresh settlement of the franchise in Ireland. There can be no doubt of these two facts. I will not follow the noble Lord through the details into which he has entered upon a topic which he very properly remarked might be considered as the exclusive property of the hon. and learned Member for Dublin—I mean the comparative proportion of representation and population in the various counties of England and Ireland. I should like, however, to know distinctly from the noble Lord, and from her Majesty's Government, whether they now mean to declare that it was the intention of the authors of the Reform Bill, that the qualification for the elective franchise should be based upon population and not upon property. I, as a Member of Lord Grey's Government, always understood that it was distinctly stated by every Member of that Government, that it was upon property only that the qualification was to be based—that the right to vote should depend, not upon the gross amount of the population of any town or county, but upon the number of that population who were in possession of a certain amount of property, which property should enable them to hold such a station of respectability in society as might be expected to permit them to exercise the elective franchise with honesty and independence. I do not think I shall have a denial of this fact from the noble Lord, the Secretary for the Colonies. I will now ask the noble Lord, the Secretary for Ireland, and I entreat him to correct me if wrong, whether this is not the basis of the proposition which he now submits for forming the list of Parliamentary electors in Ireland—namely, that every man who occupies a dwelling which, with the land attached, is rated at 5*l.* net annual value, shall be entitled to exercise the privileges which are now restricted to persons having 10*l.* beneficial interest? [Viscount Morpeth: With fourteen years' possession.] Just so. I am right then in supposing that I heard from the noble Lord, a proposition to deluge the counties of Ireland by infusing into the constituency every man who has a dwelling and land of the net annual value of 5*l.*, and fourteen years'

possession. Every man who has a cabin and a couple of acres of land, with fourteen years' possession, is to be placed upon the constituency, for the purpose of creating in Ireland a body of free and independent voters! I hope I rightly understood the noble Lord. I hope I am not misinterpreting him. I hope, from his silence, I have given his statement as he wished it to be understood by this House and by the country. If I satisfy myself, that I have not misinterpreted, not misunderstood the noble Lord, I will not now prematurely comment upon one single part of the bill which proposes to purify the constituency of Ireland in the manner disclosed to us this evening. I will offer no opposition to the bill being introduced. I earnestly desire to see the bill printed. Till that be done, I leave it, with the explanation of the noble Lord, to tell its own tale, and to make its own way if it can—with the people of England and the people of Ireland.

Viscount *Howick*, like his noble Friend who had just sat down, proposed to reserve the full statement of his views upon this subject for a subsequent stage of the bill which the noble Lord the Secretary for Ireland now sought leave to introduce. But as he was last year placed in the very painful situation of being compelled on more than one occasion with reference to this subject to oppose those Friends with whom, during so long a series of years, he had constantly and regularly acted, he could not deny himself the satisfaction now, in this first moment that the measure was brought forward, of declaring at once, and without the slightest hesitation, that to the principle of so much of the bill as related to the alteration of the qualification of voters in Ireland he should give his most hearty concurrence. He stated last year, when the subject was under the consideration of the House, that he was persuaded—indeed the fact was admitted on both sides—that the existing system of registration in Ireland afforded facilities for fraud, and temptation for perjury. It afforded he repeated facilities for breaking through the provisions of the existing law, which it was hardly possible to expect that the people of Ireland could resist. Such being the case, he did not regret the opinion he then expressed, that he was bound to support any measure which would ensure a more satisfactory administration of the existing law. At the same time, however, he had said that if the law itself as

well as the mode of administering it was bad, he would concur in the amendment of the law, but while the franchise continued, what it was he would not be a party to any attempt to obviate the inconveniences arising from it by maintaining a mode of registration which afforded facilities for defeating the intentions of the Act of Parliament. He would not consent to any such course, because he believed that by doing so he should be undermining the sanctity of an oath, the feeling of respect for the law of the land, and the great principles of religion and morality which formed the real strength of every country. He then stated that it was for these reasons that he had supported the bill of the noble Lord the Member for North Lancashire, because he believed, and he still believed, that that bill, with a few alterations, would have ensured the means of applying the law in respect of the franchise in a more satisfactory manner than at present. He believed that it would have established—after some alterations which could easily have been introduced—a fair tribunal before which the right of the voter to be placed on the registry could have been ascertained. Believing this, he would not oppose the measure for any temporary purpose or party convenience, nor even to avoid what was infinitely more painful to him, the separation from Friends with whom he was accustomed to vote. At that time he gave a pledge which he was now there to redeem; he had declared that though he concurred fully with the noble Lord in his desire to establish a tribunal which might fairly adjudicate on the claims of persons applying to be put on the registry, his object in doing so was not to restrict the franchise; on the contrary, he was prepared to concur in any satisfactory measure for amending what he considered to be the extremely defective state of the franchise at present existing in Ireland. The principle on which the recommendations of his noble Friend (Lord Morpeth) was founded, he remembered was originally thrown out by the hon. Member for Monaghan (Mr. Lucas), or if it was not, it at all events met with his support. These recommendations seemed to him to rest on the plainest principles of expediency. It might be true that the plan now proposed unheard of in England and undreamt of in Scotland; this he was not prepared to deny; but even though it might be unheard of in England and

undreamt of in Scotland, if, as he believed it were, suited to the existing state of society in Ireland, if it were calculated to cure the great evils that now prevailed in that country, he would not be deterred, from any consideration of that kind, from giving it his support; and he would say that he believed it was so adapted to the present state of society in Ireland. With respect to the existing franchise, it was impossible for any man to look around at what was passing before his eyes, and not be convinced that it was wholly inapplicable to that country. What was the meaning which the two great parties in that House attached to the term, beneficial interest, as applicable to holdings in Ireland? It was contended on his side of the House (the Ministerial), and by many able lawyers, that the term beneficial interest meant whatever profit a tenant might make from his holding, including in this definition the produce of his own labour and that of his family. This was justly objected to by the other side of the House, who said that even in Ireland, where wages were so low, a man's labour for a year was worth more than 10*l.*; consequently, under such a definition, there could be no holding of land so small as not to convey the right of voting, they therefore contend, that the term beneficial interest implies that the person should be able to underlet his land to a solvent tenant at the yearly rent of 10*l.* If that was to be the valuation under the Reform Bill, he begged to ask, what advantage had it conferred on Ireland? It was impossible not to see that the adoption of such a definition as that of the solvent test would narrow and restrict the franchise of that country in a manner wholly inconsistent with the principles of popular liberty. Both these constructions of the existing law that seemed to him to involve consequences clearly contrary to the intentions of its framers. But if this was the case, if both those definitions failed, if they would put an end to those scenes with which they were familiar in election committees of that House, in which parties are brought forward—a land surveyor on the one side swearing that the land was not worth 10*l.*, and the occupier swearing, on the other, that it was worth that sum—both attaching different meanings to the word, and both justifying thereby, in their own opinions, the oaths they had taken—if, he repeated, they wish to put an end to these abuses, they must be driven to look for a

new franchise, and in seeking for that new franchise, what principle is so simple in the existing state of Ireland, so likely to prevent disputes and conflicting swearing, and all the excitement of the present registration—what is so likely to answer all these purposes as to regulate the franchise according to the amount at which land is rated, and make this the test of the value of the holding by which the franchise is to be gained? It appeared to him that such a principle was just and proper; of course it remained for a future stage of the proceeding to consider whether the amount proposed by his noble Friend the Secretary for Ireland, namely 5*l.* was a proper amount. On that point it was impossible, without further information, to express a definitive opinion; but he would freely state that, as far as his opinion went, he was perfectly prepared to concur in the views taken by his noble Friend. He considered it of extreme importance to the future welfare of Ireland, that they should pass this measure, so that the franchise of Ireland might not be improperly narrowed; and although he considered those statements, which the hon. and learned Member for Dublin had so often repeated last year, of the comparative number of voters in England and Ireland in respect to the population of each country, to be utterly worthless as an argument against establishing an effectual tribunal for deciding on the qualification of the voters, whatever that qualification might be; he was yet of opinion that they were of material importance when they were considering the manner in which the franchise itself should be regulated. He felt too strongly attached to the great principles of popular liberty not to consider it absolutely necessary to fix the franchise in such a manner as that the great body of the people of Ireland might feel that the Gentlemen who represented them in that House did really support the opinions and represent the feelings of the majority. Unhappily it was the misfortune of Ireland, entailed on her by the misgovernment of centuries, that the great bulk of the property in that country was in the hands of persons divided by their strong opinions, and yet stronger prejudices, from the great majority of the population. He regarded that as one of the greatest evils in the present condition of Ireland, but such being its state at the present moment it would be in vain that they had passed Ca-

tholic Relief bills—it would be all in vain that they had passed the Reform Bill—if, notwithstanding these measures, the whole political power of that great country was again to be thrown into the hands of a small minority—if that class whose power for the last few years had virtually been put an end to, should again be restored to its former ascendancy. The interval that had elapsed during which Ireland had enjoyed a system of representation which, notwithstanding its imperfections, he might say notwithstanding its gross and glaring defects, still practically secured a community of feeling between the Irish people and their representatives; this interval of freedom, would render perfectly intolerable the restoration now of that ascendancy of a minority which formerly existed. He did not regard the scenes that had taken place during the last two months in that country without great concern and alarm, but he believed that none of the great parties into which that country was divided were free from great and serious blame for the danger which might at present exist in Ireland. He thought that great blame was attachable to the party opposite, who had been in the habit of holding language and supporting measures which must have been highly distasteful to the great body of the people of Ireland. On the other hand, very great blame rested with those who had been accustomed for many months past to represent to the people of Ireland that the British House of Commons, in assenting to several of the stages of a measure which professed for its object the amendment of the tribunal for the registering of electors, had really the intention in seeking to pass that measure to disfranchise the people of Ireland. He thought great and serious responsibility remained with those who represented in this light the act of the majority of the House of Commons adopting a bill, the principal parts of which had at different times been proposed by Ministers themselves. He believed that such a representation of the measure, however unfounded, must have had a most injurious effect on the people of Ireland, who could not be expected to read over and compare together the provisions of long and complicated bills brought into Parliament, and could only judge of the measure from the representations of those in whom they placed confidence. It could not fail to create in them a feeling of soreness

and a sense of injustice, the ground on which the foundation of the repeal agitation had been laid. Great blame rested with both these parties, but a still greater blame—he would not shrink even in the presence of the hon. Member himself to declare it—was attributable to the hon. and learned Member for Dublin, for the means he had taken to excite that feeling of dissatisfaction. Entertaining these opinions, he deeply lamented the state of feeling that had been produced; and though he blamed the different parties as accessory in producing it, he was firmly persuaded that if both sides of the House really wished to combat with success the repeal agitation—if they wished to deprive the hon. and learned Member for Dublin of that lever which he well knew how to use with the greatest effect, they must take care in considering this measure so to frame it that the principle of ascendancy could not be restored. He had already, in this first stage of the question, stated more than was his intention to do when he arose. He would not continue further his observations, except once more to repeat that he should not consider himself pledged in any manner to the details which his noble Friend the Secretary for Ireland had sketched out. He entirely concurred in the principle on which the proposed alteration of the franchise was founded. When the bill was printed, he would look into its details, and he anxiously hoped that it would be found to carry into effect the views which he had expressed.

Mr. O'Connell wished, in the first instance, to call the attention of the House to a statement which had been made by the noble Lord on that side of the House, and alluded to by the noble Lord opposite, relating to the registration in the barony of Balrothery, in the county of Dublin. The statement was, that out of 200 registered voters there were no less than 50, the whole of whose property was not rated at more than 10*l.* a-year to the Poor-law. Now he wished to inform the House, that the gentleman who had registered those voters, the chairman of Kilmainham, had, up to the time of his elevation to the Bench, been considered as a rigid Conservative, it had even been stated, that that Gentleman had on one occasion appeared in public wearing the Orange badge. He was not aware whether such was the fact, but there could be no doubt

as to his political principles, neither could there be any doubt that that gentleman had extreme opinions as to the value. He considered that the test to be applied, was the solvent tenant test, so that these voters had been registered by a gentleman of Conservative principles, and who adopted the highest test of value, and got under the Poor-law valuation 50 out of 200 of the voters thus registered were rated under 10*l*. That showed the House that the Poor-law valuation was not a low rated valuation. He would confess frankly, that this bill of the noble Lord had given him great satisfaction, and he thought he was entitled to say, that if adopted, it would give satisfaction to the people of Ireland. As the other noble Lord had stated, it would take a strong weapon out of his hands. The noble Lord had said, that he had made a wrong use of that weapon, he would not then enter into a discussion with that subject. The noble Lord was of opinion, that last Session the House had intended fairly by Ireland. Now he was of opinion, that the House had intended to oppress Ireland. The noble Lord looked upon the measure of last Session as one intended for the good regulation of the franchise. He looked upon it as a measure having for its object to extinguish the franchises of the people of Ireland. But there was a way to solve every doubt, an easy way of contradicting him, and showing he was wrong. He would propose the present measure as a test. If the House agreed to the noble Lord's bill, they would be adopting a measure which would give satisfaction to the people of Ireland, which would do away with every pretence for bringing forward against them the false and foul charge of perjury. It would have the advantage of taking away from every body even the temptation to false swearing. But what if they adopted the measures of the noble Lord opposite? Why, that noble Lord had shrank from defining the franchise—he introduced a registration bill, and although he had taken the trouble to construct a most elaborate machine, when he was asked what the machine was to do, he would not tell. If he went to any manufacturing town in the north of England, and proposed the erection of some most elaborate piece of machinery, the first question which would be proposed to him would be, What do you propose your machinery to do? If he said, "I am unde-

cided what sort of article it shall be, but lay out your capital on the machine." He thought the noble Lord would be as much laughed at in Yorkshire as he was disrelished in Ireland. But then the excuse was, it would take up too much time of the House—and the noble Lord had not leisure to define the franchise. But it must be defined somehow. Would they send it to the quarter sessions, and have an appeal every year to the judges? to judges who differed on the subject? When he had addressed the House before he had stated, that seven judges were in favour of the question of the solvent tenant test, but that five were the other way, but there had been a change since. The present Chief Baron had joined the five, so that take it as strongly as they would, there were six to six. Mr. Justice Ball had not had the point brought before him, but if he was of the same opinion as he was when at the bar, then the proportion would be exactly altered, there would be seven of his way of thinking, and five the contrary. Was this the condition in which the people of Ireland should be placed? Could any man impute to the present Chief Baron political motives? He knew this of him—that he was not much employed as an advocate, but he made a most excellent judge. They had a similar instance in this country, the present Lord Chancellor was not a first-rate advocate, but he believed it was admitted, that he was a first-rate judge. The powers requisite for an advocate and for a judge were totally different. He thought the Chief Baron of Ireland had delivered a most satisfactory judgment in respect to the franchise. But the noble Lord's bill would put an end to all this, and an end to all discussion as to the politics of judges. Was it not said, that they came into that House with any politics that would make themselves judges? While this system lasted it must be so, the fairest men would be liable to calumny, and calumny against the bench should not be encouraged by any statesmen. That must, however, continue if they followed the noble Lord's (Lord Stanley's) plan, who refused to define what the franchise was. The Chief Baron decided one way, and Mr. Howley, the chairman of Tipperary decided another way. Here were two men, as far as they could be influenced by it, of the same politics, who differed on the subject. Was this a situation to leave the

franchise in? Suppose Judge Crampton went the circuit, he would construe it strictly; if the Chief Baron went he would construe it liberally. All this would be avoided by adopting the bill of the Government. "The noble Lord," continued Mr. O'Connell, "talked of the situation of Ireland. Is it right that he should do so. I may be sneered at by some; but I know more of the situation of Ireland than most men, and I avow that there is among the people of Ireland a strong, an overwhelming, a rooted conviction, that they cannot obtain justice in this House. This is my opinion. Is it, then, more prudent for you—for now you have your choice—to show a disposition to do justice, or to act with oppression. The House has now the opportunity of showing its feelings towards Ireland. And I ask you, is it not wise to do us justice? I don't care what prejudice or bigotry may think, and I believe it is from a notion, that it is good for the Protestant that you act oppressively towards us, though you thereby pay but a bad compliment to the Protestant Church when you make it the ally of injustice and oppression. But, taking the situation of Ireland, this feeling is increasing. And are you at liberty to forget that you may want the right arm of the country? You may want it sooner than you suppose. France is now determined not to go to war at present, but has she made her mind up not to go to war when she is prepared? Are you sure she is not now preparing to go to war? Is not the popular sentiment set at nought by erecting forts round Paris, and are not those who have been thought most anxious for liberty straining every nerve to make Paris formidable to the world? Is not your peace an armed peace, as was said on the first evening of the Session? Is not Germany, is not every state in Europe arming? And are you going at such time to weaken England by making an enemy of Ireland? The noble Lord may display his talent, he may display his prejudice—I won't call it his hatred, or his virulence—towards us, he may display his prejudices virulently, but let him remember, that at no time is it wise or honest to make a country disaffected. At the present time it is totally unsafe to make Ireland disaffected. You will want Ireland, I know not how soon, and no doubt you may have her at the slight purchase of justice; and no doubt, also, you may lose her by doing her in-

justice. In one of those despatches of the noble Lord (Lord Palmerston), which should be made the study of this House, the noble Lord writes to Mehemet Ali, "Your Highness must know, that nothing is so difficult as to retain possession of a country, the people of which are disaffected." What is true of Syria, is equally true of Ireland. It is true. I therefore call upon the House—you will not divide to-night, you will have time to think—I call upon those of large fortunes, of great possessions, who live in ease and luxury—I call upon the wealthy portion of the community to well bethink themselves, that for the secure enjoyment of all these luxuries, they may want the support of Ireland in the day of battle. They cannot have a braver or a stronger—I call upon them to think of these things, and to make their choice between the curse of Ireland and the noble Lord's bill on the one side, and the blessing of Ireland and the bill of the noble Secretary on the other.

Mr. *Shaw* was not surprised at the hon. and learned Member for Dublin being satisfied with the measure of the noble Lord, the Secretary for Ireland, for it might as well be called a bill to establish universal suffrage, as one to fix the qualification at 5*l*. He would remind the House, that it was only last year that they passed the Municipal Corporations Bill, which fixed the qualifications of persons residing in the boroughs at double the extent of that which the noble Lord had now proposed for the county constituency. He thought the proposition monstrous.

Mr. *Hume* said, that although the hon. and learned Gentleman thought the proposition monstrous, he was more inclined to take the noble Lord's interpretation, which was, that it would give a fair and full representation to the people of Ireland. Was that a monstrous proposition? On the contrary, he thought the proposition a most excellent one, and was quite sure that it would put an end to the discontent and agitation at present existing in Ireland. He would not say more than that he hoped the House of Commons would show to the people of Ireland that they were determined to do them justice.

Sir *R. Bateson* could not sit still and leave uncontradicted the misrepresentations that had been made on this subject. He would beg to ask, whether there was any county or parish in the province of Ulster that

had petitioned against the noble Lord's (Lord Stanley's) bill. He had just returned from that country, and had attended a meeting representing the intelligence and property of Ulster, equalling in those respects all the other three provinces of Ireland, at which not only the bill was approved of, but all the enormous abuses of the present system exposed. Knowing this to be the case—knowing that all ranks and persuasions in that district were in favour of the bill—he could not sit still without contradicting the misrepresentations that had been made.

Mr. *Bellw* observed, that every parish in the county with which he was connected had petitioned against the bill of the noble Lord, the Member for North Lancashire. He offered his thanks to the noble Lord, the Secretary for Ireland, for the Bill he had that night moved for leave to introduce, as he believed it would be productive of great good in Ireland. Nothing but a definition of the franchise would effect the object they had in view, which was to tranquilize the minds of the people of Ireland. The noble Lord, the Member for North Lancashire, was, or pretended to be, sadly afraid of any extension of the suffrage to the people of Ireland; but had he ever expressed the slightest horror at the extermination of the tenantry, which had taken place since 1832, and for political offences, as they were called? For the sake of Ireland and justice, he trusted, that a fair consideration would be afforded to the bill of the noble Secretary for Ireland, without regard to any party triumph. If that were not done, it would create in the minds of the people of Ireland, even in the minds of those who were earnestly in favour of the two countries, an estrangement, a species of insular feeling, because they would be convinced, that they had nothing more to hope for from that House, and then all feeling in favour of the union would be swept away by despair. He trusted the conduct of the House would still allow them to hope.

Mr. *J. O'Connell* said, that as to the respectability of the meeting to which the hon. Baronet, the Member for Londonderry, had alluded, the House, he was afraid, must take the hon. Baronet's own word for it; for, with the exception of his own very respectable name, and the names of a few other equally respectable persons attached to the requisition, the names of the rest were shrouded in mystery. With

respect to the bill proposed to be introduced by the noble Secretary, all that the House at present knew of it was its principle. Of that he certainly, as far as it went, approved, and he hoped, by the details of the measure, that that principle would be well worked out; but if hon. Gentlemen opposite thought all those on his side of the House were completely satisfied with the noble Lord's measure, they were very much mistaken; for he, and many hon. Gentlemen around him, could wish that the franchise should be still more extended, and that it should be placed on the footing of the Poor-law rating. He hoped that the noble Lord opposite (Lord Stanley) would see the propriety of withdrawing his own bill, and of allowing the bill of the noble Lord, the Secretary for Ireland, to be the measure for redressing the evils which were, on all hands, acknowledged to exist under the present system. Although the noble Lord might not pay much regard to anything that might fall from him, still he would implore the noble Lord to consider his steps, and to avail himself of the golden bridge that was now offered to him, and give up his own, and support the bill which the noble Secretary asked leave to introduce. The noble Lord would act wisely in adopting this suggestion, for he might depend upon it that every step taken in his own bill was but adding immensely to the ranks of the Repealers, and nothing could more certainly insure the triumph of that cause than the success of the noble Lord's own measure. If the noble Lord were really pledged against Repeal to the death, the best means he could take to defeat it was to adopt the bill of the noble Secretary of Ireland. He, however, confessed, that he did not think the noble Lord would do so; for there seemed to be a short-sightedness and a species of mental blindness, as if by the interposition of Providence, ever accompanying the acts of men whose aim it was to prejudice the rights and interests of a whole nation. Such men looked only at the immediate injury they wished to inflict, being quite reckless of the terrible re-action that might come. However, whatever the noble Lord might do, he hoped hon. Gentlemen on his side of the House would give the people of Ireland more than a mere divided support, such as they gave them last year—that they would not allow parliamentary courtesies to do

away with the rights of a nation, but that they all, on each and every occasion upon which they were called upon to battle with the noble Lord opposite, give to Ireland their earnest assistance. The people of Ireland did not understand parliamentary forms and the niceties of parliamentary courtesies. He, therefore, hoped that if they really wished to prove to the people of Ireland that there was a disposition in the House of Commons to do them justice, they would give the noble Secretary's bill their support throughout.

Mr. Sergeant *Jackson* did not rise for the purpose of offering any opposition to the introduction of the bill by the noble Lord, the Secretary for Ireland, but he had hoped that by this time all those ridiculous and absurd attacks which had heretofore been made upon his noble Friend (Lord Stanley) would have ceased. He was glad to see evidence of a disposition on the part of the noble Secretary to improve the registration system in Ireland. There was no person of any political party that could deny that there were grievous evils existing under that system. So strong and general did this opinion prevail, that the noble Lord had actually been coerced to bring forward this measure. He would not at this stage of the debate enter upon a discussion of the provisions of the bill, but he could not help deprecating the clause which went to establish the *5l.* franchise, which was, in other words, taking population instead of property and intelligence as the basis of representation. Before he sat down he wished to allude to an observation which fell from the hon. and learned Member for Dublin, respecting a most hon. Member of the Irish bar, Mr. Blackman. The hon. and learned Member had said, that Mr. Blackman, who was the Chairman of the Registration Court for the county of Dublin, had appeared on the circuit wearing an orange badge on his coat. Now, he (Mr. Sergeant Jackson) knew that there was not a more honourable person at the Irish Bar than Mr. Blackman, and he did not believe that that gentleman ever could have been guilty of so improper an act. He had never heard it said or insinuated that Mr. Blackman was ever guilty of the impropriety or indecency of wearing a badge of any party description on the circuit. It certainly became the hon. and learned Member for Dublin less than anybody else to talk of persons wearing badges,

when that hon. and learned Member himself appeared in that House with the repeal button on his coat. With respect to the noble Secretary for Ireland's bill, he was quite ready to examine its provisions, and do what he could to improve it, in order that it might, in case the bill of his noble Friend (Lord Stanley) should be rejected, be passed into a law for the improvement of the system of registration and of the franchise in Ireland.

Mr. *O'Connell* wished to say, in explanation, that he did not state the rumour of the wearing of a badge by Mr. Blackman in the way of disparaging that Gentleman, he mentioned it only as illustrating a fact. It seemed that the hon. and learned Sergeant was the only person who thought that the wearing of an Orange badge was derogatory to a person filling an official station.

Mr. *Villiers Stuart* agreed with the hon. and learned Sergeant, that the present system was accompanied with many evils, but it did not follow that the bill proposed by the noble Lord, the Member for North Lancashire (Lord Stanley) would apply a proper remedy. He could state, from his own knowledge, that in the county of Waterford, in consequence of the trouble and inconvenience to which parties were put by the present system, there was an apathy on the part of the people with regard to the franchise, which, in his view, was fraught with danger to the country. If they were to have a really representative system, they must give the parties an easy way of acquiring their right. If they did not, the people would look to illegitimate sources for obtaining it. Instead of seeking their rights through the Imperial Parliament, they would endeavour to find them by setting up a sort of Parliament in Dublin or elsewhere.

Lord *Clements* congratulated the House upon having some substantial measure at length brought forward that would at once settle all disputes arising out of the present defective system respecting the registration and the franchise in Ireland. The valuation upon the Poor-law rating was notoriously exceedingly low, and the noble Lord opposite had availed himself of that fact to raise an objection against the proposition of his noble Friend; but had his noble Friend, instead of mentioning that valuation, quoted the ordnance valuation, the noble Lord opposite could not have jumped to the same conclusion, because

it was almost invariably the case that the ordnance valuation was much above the rent. He hoped the noble Lord would not persevere with his bill. He did not wish to inquire whether it were the fault of the noble Lord or no; but any bill emanating from him, no matter what it was, even supposing it carried benefit with it, would be taken with distrust, and must necessarily be taken with distrust, as coming from him. [*Laughter.*] The noble Lord might laugh, but the fact was so. Why, the noble Lord was the very author of the measure which was now so loudly and universally complained of throughout Ireland. The very uncertain phraseology in which the franchise was expressed, had caused all the injurious effects that were now sought to be remedied. He hoped, therefore, that the noble Lord would act upon his word, and leave the present measure to be dealt with by the House without his interference.

Mr. *Ward* thought he had had the pleasure of hearing the noble Lord opposite (Lord Stanley) say that he would leave this question with confidence to the judgment of the House of Commons. He was, therefore, anxious to take the first opportunity of expressing his conviction that there would be a very powerful feeling in favour of the system proposed by the noble Lord the Secretary for Ireland. The noble Lord opposite must permit him to say (without meaning any discourtesy), that his bill was not an honest bill. It was a dishonest bill; because the noble Lord had avoided the very difficulty upon which all the other inconveniences rested. The noble Lord's bill did not mention the franchise; it did not attempt to define it. The noble Lord proposed nothing, but to throw more difficulties in the way of those who were entitled to exercise the franchise as the law now stood. It was his distinct conviction that the evils of the existing system must be corrected, and that the settlement of the question could be infinitely better effected by the bill of his noble Friend than by the bill of the noble Lord opposite. The remedy which that noble Lord proposed appeared to him to be worse than the disease. It would only lead to a series of embarrassments and persecutions in Ireland of the humbler class of voters by those who were placed above them.

Mr. *Litton* denied that the bill of the noble Lord the Member for North Lancashire had been received in Ireland with disapprobation. On the contrary, he would

assert, from his own knowledge of Ireland, that it was received by all the influential and respectable classes, and by the great mass of intelligence in that country, as a useful measure, and only likely to meet and put an end to the demoralizing system which had long and still existed in that country, arising from the present mode of registration. It was also utterly untrue that the lower classes looked with regret at the passing of this bill. On the contrary, the attempt to get up agitation against the noble Lord's bill it was notorious utterly failed. The petitions in favour of Lord Stanley's bill were most numerous. Those who were for universal suffrage, no doubt, would support the bill now proposed to be introduced. Those who thought that property, intelligence, and character should be nothing, and numbers everything, would of course approve of that clause which gave a 5*l.* rating, irrespective of any rent. It was nothing short of universal suffrage. Nay, he would rather have universal suffrage, because then they would have it by its right name. But the noble Lord (Lord Morpeth) was desirous of having it by its wrong name—he would call it an illegitimate suffrage.

The *O'Connor Don* could not help observing upon one statement that had been made by the hon. and learned Gentleman who had just spoken. That hon. and learned Gentleman had said that all the respectable people of Ireland were in favour of the bill of the noble Lord the Member for North Lancashire. He hoped the hon. and learned Member did not, limit all the respectability of Ireland merely to the circle of his own acquaintance. He confessed that among his acquaintance there was a strong pervading feeling against the bill of the noble Lord. The general feeling throughout Ireland was that the intention of the noble Lord was not to amend the registry but to restrict the franchise. He thought the most beneficial part of the bill of the noble Lord below him (Lord Morpeth) was that which went to define the franchise. At present, for want of that definition, imputations of perjury were made on both sides, and, perhaps, neither party was really guilty of the crime.

Leave given.

[RAILWAYS.] Mr. *Labouchere* rose, in pursuance of notice, to move for leave to bring in a bill for the better regulation of railways. He did not feel it necessary to

trouble the House with any lengthened observations at this stage of the measure. It was a subject of equal difficulty and importance, and one which must engage the attention of the House at a future period. The bill which he was about to introduce was to provide increased securities to persons travelling on railways. The House would agree with him after what occurred during the last few months in regard to travelling on railroads, that it was incumbent on her Majesty's Government to consider whether, by any interference, they could prevent the recurrence of those accidents, which had produced so much alarm in the public mind. And if, upon due consideration of the subject, it should appear to them that any arrangement could be made, which would have a tendency to diminish the chance of those accidents and risks, he felt he should desert his duty if he did not propose to the House to adopt such measures as would lead to that result. Those accidents naturally became the subject of very minute investigation on the part of the railway department, which, by the bill of last Session, was attached to the Board of Trade; and the measure which he now proposed to introduce was founded upon the recommendations of that department, contained in a report, a copy of which he had laid upon the Table of the House a few days ago. That report set forth so much more fully and clearly than he could do the grounds upon which he asked leave to introduce this bill, that he felt it useless to take up the time of the House in detailing the facts and arguments in its support. He would content himself with mentioning the principle and main provision of the bill, just premising that the whole and sole object of the measure was directed exclusively to an attempt to increase the safety of travelling on railways. It was undoubtedly desirable that Government should not attempt any minute interference with the particular province of the directors of railways, who were, as it were, the natural guardians of the public as well as of their own undertaking; but, upon long consideration, and after consulting with many parties interested in railways, while there were some points on which it would not be well for Government to interpose, there were others on which it was thought that advantages would result from a limited superintendence. Great exaggeration had prevailed on the subject of accidents, and he had no hesitation in saying, that in his opinion there was no

mode of conveyance so little liable to disasters as by railways. It was likely that the alarming nature of such accidents, and the shape in which a knowledge of them reached the public, would produce a strong impression, and it was above all necessary for the interests of the companies themselves, that the public should be satisfied that every means was adopted to diminish danger, and to lessen the chance of the loss of life, or of the injury to persons and property. While he admitted, that the risk was small when compared with the number of passengers conveyed, he rejoiced that even that risk, small as it was, might in every probability be rendered still smaller—he hoped that without any material interference with the directors of companies, travelling by railway might be made still more secure. The difficulty he felt was this:—though he acknowledged that the interference of Government ought to be restricted to narrow bounds, and that it ought not to be permitted without great caution, yet, if the department with which he was connected were to have efficient control (and if it were not efficient, it would better to have no control), it was absolutely necessary that the bill should be of a general nature, and that the Board of Trade should take upon itself the discretion and responsibility of applying it. Some hon. Members might feel alarmed at seeing, that by the bill a large power was asked; but after having again and again considered the subject, he could not see how the measure could be limited without crippling its efficacy by inconvenient details. A report of the officers of the railway department was now upon the Table, from which he would take the liberty of reading one or two extracts. The following passage related to the general principle of Government interference:—

“With regard to the nature and extent of these powers, the proper distinction appears to us to be, that the Government should not attempt to interfere in questions of an experimental nature, which are still subjects of discussion, and admit of a fair difference of opinion among practical men; nor should it attempt to regulate matters of detail, so as to take the management of the railways out of the hands of the parties immediately responsible, viz, the directors and their officers.”

The commissioners next proceeded to state the points on which it was thought Government interference would be beneficial:—

“On the other hand, the Government

should have the power of enforcing, whenever it is found necessary, the observance of all precautions and regulations which are approved by experience, and are obviously conducive to the public safety. For instance, upon such points as the comparative advantages of six and four-wheeled engines, the best construction and mode of laying down rails, the best form and construction of wheels, axles, &c., and other points of a similar nature, upon which the practice of the best-conducted railways differs, and the opinion of the most eminent engineers is by no means decided, it would be premature for the Government to interfere until experience has solved the questions which may still be fairly considered as doubtful. But with regard to other points, such as the propriety of introducing upon every railway such arrangements respecting time-tables and signals, as experience has shown to be necessary for preventing collision, of establishing a proper and uniform code of regulations for engine-drivers, guards, and other servants placed in a responsible situation, and for maintaining strict discipline; and generally of introducing upon all railways, whatever has been adopted, and proved to be conducive to safety, by the practice of those which are considered to be the best conducted; no difference of opinion can exist, and if the principle of Government supervision be admitted at all, it cannot find a more legitimate field for its exercise."

With respect to the point of time tables, he might mention, that on the best lines the trains are worked by time tables; and to shew how proper it was that such should be the case, he might add, that on several railways where such a precaution was neglected, the most frightful accidents had occurred. He thought that a measure of this kind might safely be entrusted to a Government board, in order to enforce a principle which all who had investigated the subject, admitted to be essential to the public safety. He did not like to multiply instances, but he would notice one other. On most of the railways, a particular signal had been adopted to indicate danger—it was a red light; but on some lines danger was indicated by a light of a different colour: and an engine driver who had quitted a line on which a red light was used, and came upon a line where a blue light was used, might easily be confounded between the two, and the most disastrous consequences might be the result. This was another case in which power might safely be entrusted to a Government board to enforce one general and uniform regulation. It was utterly impossible that all such instances should be specified in a bill, but in asking the House

to entrust such extensive powers to the Board of Trade he most readily acknowledged that they ought to be exercised with the utmost caution, and with as little interference as possible with the management of the directors of the different companies. Where the Board of Trade was satisfied that some general regulation was required, it ought to be enforced by some central authority. There was another point to which he attached great importance, viz., that all engine-drivers ought to be licensed. It was very anomalous that a license should be required for the driver of a vehicle in a public street, and yet that any man, however ignorant or incompetent, might be made an engine driver, and thus be entrusted with the lives and safety of hundreds of his fellow-creatures. He proposed, therefore, that a licensing system should be established, and that no man be permitted to drive an engine who had not previously obtained a license. A register would be kept of licensed engine-drivers, and in case of misconduct, he would be liable to be deprived of his license. He apprehended that this would operate as an important check on the employment of unfit persons, and thus lessen the chance of danger to the public. At present, men who had been turned off one railway sometimes got employment upon others, and fatal results had been the consequence. The report on the Table contained also various suggestions as to the obtaining of statistical information by the interference of Government; but recollecting that last Session the House pronounced an adverse opinion, on the ground that it was instituting an inquisitorial power, it was not his intention to include any such provision in the bill. All he desired was, that the House would duly consider the measure when brought before it, with a view to render it efficient for the public safety, with as little interference as possible with the proper province of the directors. The right hon. Gentleman concluded by submitting his motion to the House.

Colonel *Sibthorp* had always considered all railways public frauds and private robberies, by gambling speculators. The capital, at present, embarked in these undertakings was not less than sixty-four or sixty-five millions, and by the last returns there were not fewer than 108 railways. On these, the accidents had been much more numerous than appeared from the papers on the Table. Hardly one accident in ten came before the public, and

the directors did their utmost to prevent publicity. Innkeepers and other most respectable classes of persons had been ruined or thrown out of employment, and on his way to town he had made inquiries and found that not a single Member of Parliament had travelled post; while the post-boy, to whom he gave 5s., declared that it was the first he had received in as many weeks. He looked with the utmost jealousy at every measure emanating from the present Ministers; and when he found that a new system of licensing was to be established, he wished to know, as the budget of the Chancellor of the Exchequer was likely to be a melancholy one, how many pounds or pence of the deficiency in the revenue he expected to make up by this new experiment? He hoped that, if this bill were passed, a clause would be introduced to compel the proprietors of railways to pay the parties whom they deprived of their property the sums they had promised to allow by way of compensation. He pronounced it as his decided opinion, that these nefarious schemes would ere long appear before the public in their true light—that all the railway companies would be bankrupt, and that the old and happy mode of travelling on turnpike roads in chaises, carriages, and stages, would be restored.

Mr. Ewart thought that the right hon. the President of the Board of Trade had drawn a most judicious distinction in wishing to centralise, for the sake of information, without needless interference with the directors of the various companies. Last year, he had doubted the policy of any interposition on the part of Government, but he now acknowledged the fitness of it, in the way and to the extent proposed. With regard to the danger of travelling on railways, if the gallant Colonel, who was so much alarmed, would read such an orthodox publication as the *Quarterly Review*, he would see that the accidents by railway were fewer than by any other mode of travelling. He (Mr. Ewart), would now say what had been a while ago observed by the hon. and gallant Colonel, that facts were stubborn things. He (Mr. Ewart) was for giving such powers as would render the acts of the railway commissioners not abortive of, but productive of some good effect. His right hon. Friend had alluded to the system of licenses. He hoped that it would be found to succeed, but he had

some doubt as to whether the system of licensing was necessary. They all knew that the system of stage-coaches was admirably conducted—to be sure, the number of accidents that occurred on them was more numerous than that which took place on railways, but yet they were admirably conducted, and that without licenses. He, then, had his doubts to whether licenses were so indispensably necessary. There was another recommendation of the commissioners, respecting the information that should be given in cases of serious accident or injury being sustained by persons. Now, there were occasions where information was desirable to the public in cases of accident, even where they were not attended with serious injury. He also acquiesced, though he confessed he had something to do with railroads, in the suggestion that the commissioners should get notice before a railway was opened, so that it might be seen that no danger was likely to be incurred on these lines by the public. Those powers were demanded by the public, and to them no reasonable railway company could refuse to assent. It was also required that acts of interference be submitted to Parliament before being adopted. Without that he thought that there might be some danger of too great an extension of the powers of the commissioners. It was worthy of remark, that those railways were least liable to accidents which had been longest in use. On the Liverpool and Manchester, for instance, accidents were very rare, and the same remark would apply to the London and Birmingham line. On the Grand Junction, half a million of persons had been conveyed in half a-year without the occurrence of the slightest casualty. In this country, all great undertakings owed their success to the absence of interference and the freedom of competition, and the French were beginning to find and to admit the truth of the axiom. He believed, that if the measure to be introduced were confined to regulation, without unnecessary interference, it would be received as a boon by the public, and would not be unwelcome to the directors of railways.

Lord Stanley expressed his entire concurrence with the observations which had fallen from the hon. Member for Wigan (Mr. Ewart), and he hoped that the gallant Colonel (Colonel Sibthorp) would derive some consolation from the fact, that

in proportion to the experience of the different companies had been the diminution of danger. This fact had been illustrated, as the hon. Member for Wigan had remarked, in an extraordinary manner by the Liverpool and Manchester railway, upon which not a single accident to life or limb had happened within the last twelve-month. Other railways would, bye and bye, arrive at similar security, and in the meantime it was extremely important that Government should exercise a control, especially over those undertakings which were comparatively in their infancy. No proposition in the report on the Table was more valuable than the suggestion that care should be taken that railways were not opened before they were in a state fit for traffic; for every company was naturally anxious as soon as possible to obtain some return for their capital. He had been told that one railway had been opened, notwithstanding a positive report from the commissioners against its fitness. This was an evil it was most important to avoid. All railroads must be more or less partial monopolies in the hands of the directors, and a vigilant control on the part of Government was, therefore, the more necessary. He understood that the bill was to be founded mainly on the report of the commissioners, and he should, therefore, be the more ready to concur in its provisions. As he was upon his legs, he would put a question to the President of the Board of Trade, or to the Chancellor of the Exchequer, on a matter which he had already mentioned privately: it regarded the directions given by the Post-office respecting letters carried by the railway mails. Some nights since he had been unexpectedly summoned to town from Southampton, and he arrived at Basingstoke by the train which reached that station at two in the morning. After the train had been detained some time, he inquired the reason of the delay, and was informed that it was a general order from the Post-office, that the train should not start until after the arrival of the Exeter and Andover cross mails. The snow was on the ground, and the train was consequently kept waiting at Basingstoke for an hour and a quarter, without any sufficient or apparent reason. By this circumstance, not only inconvenience but great danger might have been incurred; and he wished to know whether it was consistent with the orders of the

Post-office, that the train should thus have been stopped? Under the old system a mail coach might be detained, and it might afterwards proceed along the road as usual, avoiding the coaches or carts it might meet; but the case was widely different on a railway, where irregularity and derangement of system might be attended with imminent risk. This was a circumstance within his own knowledge; and what he wished to learn was, whether there was any objection on the other side to state what were the general orders of the Post-office as to the detention of trains for the cross mails, supposing they had not arrived at the station at the appointed time? If any orders for detention had been given, the sooner they were rescinded the better.

The *Chancellor of the Exchequer* believed, that the directions of the Post-office were very general, and that much was necessarily left to the discretion of the railroad companies. The mail was engaged by Government at a very large expense, but they had nothing to do with the passengers conveyed by the same train. He was very sorry that the noble Lord had been detained for an hour and a quarter in the cold, but he did not apprehend that the delay arose out of any order issued by the Post-office. If the mail train were not able to keep its time, the passengers conveyed by the company must be contented to suffer from the delay. As to danger, in the instance in question, he apprehended that there was none, as there was no train either behind or before that in which the noble Lord was seated.

Lord *Stanley* had not mentioned the case on account of any personal inconvenience to which he had been exposed, but because he thought such delays might be dangerous at some time, although not so in the present instance. After the lapse of an hour and a quarter, the train had been obliged to start without the cross mails. He confessed, that he was by no means satisfied with the reply of the right hon. Gentleman.

Mr. *Plumpton* said, that a strong feeling pervaded the country that it was quite unnecessary to use the railways on the Lord's day. It was necessary that the engine drivers should be men of the most unexceptionable character; and how could such be obtained, if they continued at their work day by day, without any opportunity for rest or for religious instruc-

tion on the seventh day? The travelling on the Lord's day shut the door against many persons who could not conscientiously absent themselves from their religious duty, and rendered it impossible for the Wesleyans in particular to obtain situations. He believed, too, that many accidents had happened on the Lord's day. Wherever railways were established in Scotland, the directors never thought of running the trains on the Lord's day; no inconvenience was found there from the stoppage; and any necessity that might have existed for travelling on that day by other modes of conveyance had been done away with in consequence of the additional speed now acquired.

Mr. Warburton wished to press upon the consideration of the House the effect which the shutting up of the railways on a Sunday, when every other mode of public conveyance had ceased, would have upon the middle and lower classes; there was no other mode except the railway, by which these persons could travel cheaply, so that in case it should be necessary for a person of moderate fortune to travel from one place to another on a Sunday, the hon. Member's plan would absolutely cut off every mode of conveyance from those who could not afford to post. Where were they to end if they once began this interference? There were boys tending sheep on a Sunday. It was necessary; and there always were certain things, which, as well in profane times as in modern and Christian countries, were admitted to be done on festival days. The necessary consequence of putting away all other means of communication by which parties could travel cheaply was, that they must not cut off the opportunity now afforded to persons travelling by the railroads.

Leave given.

Bill brought in, and read a first time.

REGISTRATION OF ELECTORS (ENGLAND.)) Lord J. Russell rose for the purpose of asking leave to bring in a bill for the Registration of Parliamentary Electors in England. He had brought in a bill for this purpose in the last Session and he did not think that there was any essential alteration in the present bill. He proposed, in the first place, to alter the system by which there was a great body of revising barristers in England. Many of these gentlemen, as it was well

known, had little experience, and the consequence was, that in many cases there were conflicting decisions, so that under the present state of the law a vote might be allowed by one barrister in the first year, it might be disallowed by another barrister in the next year, and perhaps, the same voter, for the same qualification might be again put on in the third. Such a system was exceedingly vexatious, and gave rise to serious evils. His learned Friend, the Attorney General, and himself, had, in a former year, thought it better to have a permanent body. His hon. Friend the Member for Bridport (Mr. Warburton) had afterwards brought forward a plan, which was adopted by the Government, and which was engrafted on the bill introduced last year, but which did not pass that House. He proposed, as he did in the bill of last year, that there should be fifteen revising barristers, to be named in the first instance by the Speaker out of a list of forty-five to be returned to him by the judges, but that afterwards the nomination of persons to fill the vacancies caused by death or resignation should rest entirely with the Speaker; and he proposed in the present bill that the office should be held till death or resignation, or until displaced by an address of both Houses of Parliament; for if they were a permanent body, he thought it desirable that they should be made as independent as possible. He proposed also to establish a court of appeal, to be composed of three barristers, to whom questions of law should be referred. He then proposed, instead of a revision founded upon the facts taking place each year, that after the first decision of the revising barrister should have taken place, the elector should be placed in the situation of an established voter, and should not be liable to removal from the register upon the same facts. He found, by the speech of the noble Lord opposite (Lord Stanley), in introducing his measure for Ireland, that he was opposed to any such provision. It was a matter for discussion in the committee, and any opinion to which the House might come, he should be willing to adopt. Still he hoped that the House would not leave the county electors to be longer placed in their present situation; that they would not allow a non-resident elector to be called upon year after year to submit to precisely the same examination of facts, till in some year, either in consequence of

a press of business elsewhere, not being able to appear before the court, or from being willing to incur this continued annoyance for the sake of his vote he should absent himself, he should find, that his vote was struck off, although he at that very time had a perfectly good right to be registered. He would not longer detain the House, but would simply move for leave to bring in the bill.

Mr. Liddell would be glad to see the noble Lord's bill, the leading provisions of which he for one would certainly support. It was necessary that the county voter should have protection from the present vexatious and harassing system; and that he should not, after his right had been allowed, be obliged to appear, year after year, before the revising barrister, perhaps to have the decision in favour of his franchise reversed, and certainly always experiencing and keeping up vexation. He wished, however, to ask one question of the noble Lord: he would like to know whether, in the present bill, there would be any clause for the purpose of preventing at contested elections the fraudulent personation of electors? That seemed to be the proper opportunity of introducing some more stringent enactment to prevent that which was not only an audacious violation of the law, but also a gross breach of the privileges of that House. It was a common practice, especially in sea-port towns, to represent electors who were absent from the borough and could not vote, and he believed that it would be a great improvement in the law, and by no means a grievous infringement of the liberty of the subject, if, upon the oath of any respectable individual in the polling booth, it should be sworn that the person tendering his vote was not the party he represented himself to be, the returning officer should have the power of handing over such party to custody till proofs should be given whether he was the person registered or not. There was a very recent instance of these practices, for he found in the address of the new Member for Walsall, thanking the electors for their support, that "the Leagueites polled nine dead men, three of whom were considered decided Conservatives," at the manifest risk of disturbing the repose in their graves of the three Conservatives, whose representatives were found voting for the Liberal. He hoped that the noble Lord would take notice of this great evil; but

if the noble Lord did not, he should feel it his duty to endeavour to frame a clause to meet it.

Leave given, bill brought in and read a first time.

[SOUTH AUSTRALIA.] Lord John Russell, in rising to move for the appointment of a select committee to inquire into the acts relating to South Australia, said he felt some difficulty as to how far it would be proper to make any statement to the House, because, though he had formed his own opinion upon those acts, he wished that the committee should investigate the whole matter, without being previously bound in any manner by any statement. What it was necessary he should state was, that they could not longer allow the colony to remain in its present state, and that it was necessary either that he should bring a measure before the House, or that a committee should be appointed to investigate the subject. As the colony of South Australia was founded by Act of Parliament, and as it was founded in consequence of discussions in that House, he thought it far better, instead of bringing forward a measure on the responsibility of Government, to appoint a committee that should have power to examine the whole subject. The colony of South Australia was founded in a peculiar manner, and upon a peculiar principle; it was founded upon the principle which he confessed he considered not a little objectionable—the principle of dividing the authority between the Crown on the one hand, and, on the other hand, of certain commissioners, having some connection with the Crown, yet so remote as to induce persons holding office in the colony, and the inhabitants themselves, to consider themselves not under the Crown, but under the board of commissioners. The first governor of the colony, who was a most respectable man, and whom he had since had pleasure in recommending to her Majesty as the governor of another colony, was unable to control the different persons. In his very first despatch after his arrival he said, that the colony was in a state of disorganisation, that no one holding office thought himself bound to keep his office in order, or to pay any obedience to any one; and with regard to the finances at the beginning of 1839, it was impossible to obtain an account of the three first quarters. In the year 1839 matters proceeded under the government

of Colonel Gawler, with more apparent prosperity, but by means which must ultimately tend to produce great distress. The expenditure was not based upon the amount of revenue actually accruing in the colony, or to be derived from any vote of Parliament, but upon certain speculations as to the future amount to be derived from the sale of lands. In the last quarter of 1839 the expense was 34,000*l.*, and the average expenditure was 140,000*l.* a year: whilst the real and *bonâ fide* revenue of the colony, derived from the duties and the taxes, amounted to about 20,000*l.* Therefore, with a revenue of 20,000*l.*, the governor of South Australia was expending 140,000*l.* There were no doubt considerable sales of land, but although money might be borrowed from the land-fund to meet the ordinary expenses of the colony, yet it was necessary that such sums should be repaid within a certain time, and that a portion should be devoted to the purpose of emigration in the course of the year. The commissioners who had been appointed for the management of the colony were a numerous body, but only one, Colonel Torrens, received any salary. As soon as he had been appointed to his present office, he changed this system, and appointed the same persons as superintended the colonial land and emigration fund to take charge of the colony. After they had proceeded for some time, it was necessary that some sums for improvement should be paid out, but it was found that the colony was getting into a state of bankruptcy, and that the commissioners were without the means of paying a large bill which had been drawn by the governor, and had become due. The commissioners represented the matter to the Colonial-office, and also the obligations they were under, as well for the bills drawn as for sums due for taking up ships for emigration. His right hon. Friend, the Chancellor of the Exchequer, to whom the subject was mentioned, immediately saw that the inhabitants of the colony might be driven to the utmost distress by the sudden stoppage of the credit of the colony, and in conjunction with him, his right hon. Friend stated publicly that he would propose to Parliament a vote to reimburse the commissioners, if they could raise a fund to pay these liabilities. The parties, however, to whom application for money was made, seeing the state of the colony, declined to advance any money, especially as they had considerable doubt as to the mode in which the subject would

be dealt with by Parliament, for he had stated last year that it was his intention to bring the matter before Parliament. His own impression certainly was, that it would be necessary to alter all the acts relating to the colony. He would not now say what general provisions ought to be made, but some must be determined on, and he was certain that the committee would say that the present system was so inconvenient, that it so far fettered property on the one hand, and encouraged expense on the other, that it ought to be changed. He would therefore simply move for the appointment of a committee to consider the Acts relating to South Australia.

Viscount Mahon did not intend to oppose the motion, but wished to call the attention of the noble Lord the Secretary for the Colonies to the fact, that South Australia was not the only colony in that quarter of the globe which stood in need of investigation. There was great dissatisfaction existing in the other Australian colonies, and as an instance of it he would just refer to a meeting that was held in Van Diemen's Land on the 29th of April, 1840, and attended by all the principal settlers in the colony, at which a resolution to the following effect was unanimously agreed to:—

"That, apprehending the most disastrous consequences, and the total stagnation of agriculture and commerce (it being impossible that the earth can be tilled to yield even sufficient for our own consumption, and still less for that of the inhabitants of New South Wales, and the surrounding colonies, whose dependence upon us last year proved their sole relief from famine), his Excellency be called upon to suspend the orders from home for the abolition of assignment."

A petition was accordingly prepared and presented to Sir John Franklin, in which the system of convict labour was spoken of as not free from abuses but as conspicuous for "good uses;" as "not only in proportion as a punishment, but as a means whereby the prisoner is habituated to honest conduct, and taught to look forward with some degree of hope and confidence to the expiration of that period when his labour becomes his own, instead of being removed altogether, as it is proposed, from the habitations of man, and prepared for freedom by being wholly debarred from society." Shortly afterwards Sir John Franklin gave an answer, in which he regretted that he was debarred by positive instructions from home from even a tem-

porary continuation of the assignment system of the colony; but he took that opportunity to protest against the conclusions relative to the moral effects of that system on the character of the colonists as stated in the report of the Transportation Committee, and in other publications.

"I wish," he said, "to record my conviction, that families may emigrate to this colony with as little danger of moral contamination as they would be exposed to in any of her Majesty's dominions."

He had been lately in communication with a most respectable gentleman, a clergyman, who had resided for a considerable period in Van Diemen's Land, and who had recently returned, and who was strongly impressed with the belief that it might be practicable to repress the evils and abuses of convict labour without abolishing the system itself, and that it might be made most conducive, not only to the advantage of the colony, but to what should be their main object—the benefit and reformation of the criminal. On the 22nd of last month that gentleman wrote to him, saying,

"I can, if necessary, produce several influential and highly respectable individuals of the colony now in this country, to give testimony in favour of the advantages of assignment."

He (Lord Mahon) believed the recent measures of the noble Lord (Lord J. Russell) had been founded on very incorrect information, and greatly out-went the necessity of the case. They would probably be the cause of ruin to the colony. He thought that colony had been dealt with by the noble Lord from most praiseworthy motives, but in a hasty and erroneous manner, and that the noble Lord himself was not satisfied with his own decisions on the subject. For, in the Minute on the subject of transportation which was drawn up by the noble Lord, and was dated January 2, 1839, it was expressly stated, that the noble Lord had adopted the change of system, "with much diffidence and hesitation." All he (Lord Mahon) asked for was further inquiry—an opportunity of examining those witnesses from Van Diemen's Land, who were now in this country and anxious to state the facts they had observed. It was, indeed, a subject of greater doubt and difficulty than some persons in that House would imagine.

Lord Stanley must say, that the cases

were very rare indeed in which persons holding the situation of the noble Lord were warranted in leaving the duties of their office, and delegating them over to a committee of the House of Commons, who were wholly unable to determine all the circumstances of colonial management. He did not say, that circumstances had not arisen, and that they might not again arise, which would justify such a course. He did not say, that in the present instance the peculiar foundation of the colony, and the former interference of Parliament, might not be a good ground for the proposal of the noble Lord. But he concluded that the committee was not merely to collect evidence and facts, because all the evidence and all the facts were already in the possession of the noble Lord, and he could lay them before the committee. The committee, he presumed, were to express an opinion upon the present state of the colony, and upon the course that ought to be pursued; and he earnestly hoped that it was not the noble Lord's intention to fling down the subject loose before the committee, to lay the documents before them, and leave them to find their road to a conclusion; but he hoped that the noble Lord, or some one deputed by him, would state to the committee that opinion which the noble Lord had not thought it prudent to give to the House, and that he would be prepared to recommend a plan, subject to any revision or modification that the committee might suggest.

Lord John Russell agreed with the noble Lord with respect to the general principle, that it would not be for the public advantage that the affairs of a colony should be delivered over to the decision of a Select Committee of that House; but he begged to state at the same time that he did think that this colony formed a case by itself, from the fact that it was established, not by the Crown, but by an Act of Parliament, on the opinions and projects of individual Members of Parliament, and also of other persons not Members of Parliament. The Government, indeed, supported the measure, but the bill having received the sanction of Parliament, he conceived that a committee might be rightly appointed to see what had been the operation of the bill, and what had been the result of the clauses that were then settled. It was his intention that his hon. Friend the Under Secretary

for the Colonies should state to the committee the branches of the subject to which the committee should attend, and the general views taken by the Government; and he thought, then, that, in bringing in a bill the House would be prepared to follow the general subject. With regard to the observations of his noble Friend the Member for Hertford, which he had addressed to the House on the subject of transportation, they did not relate to the matter then before them, but to another subject, the assignment of convicts. He did not think that Van Diemen's Land was an improper place for transportation, or that the use of convict labour was objectionable; but the system of assignment, as he had seen it described by General Bourke, and as he had seen it described by the witnesses who were examined before the Committee on Transportation, appeared to him as nearly as possible a system of slavery, and liable to most of the abuses of slavery.

Mr. *Hume* was satisfied with what the noble Lord had stated with respect to South Australia. It only proved that the government of the colonies in Downing-street must necessarily fail. Parties were tempted to go out to the colonies; they took out with them much property, that gave them a stake, and yet it was in a few colonies only that they were enabled to exercise their property; and he believed that the noble Lord would find, that the best means of promoting the prosperity of the colonies would be, by enabling them to govern themselves.

Motion agreed to.

Committee to be nominated hereafter.

HOUSE OF LORDS,

Friday, February 5, 1841.

MINUTES.] Petitions presented. By Lord Brougham, from Planters, Cultivators, etc., in India, for an Equalisation of the Duties of East and West India Produce; and from the Working Men's Association in Finsbury, praying for Universal Suffrage, Vote by Ballot, no Property Qualification, the Payment of Parliamentary Members, the Division of the country into Electoral Districts, for the Release of Frost, Jones, and Williams, and the Liberation of other Political Offenders.

HOUSE OF COMMONS,

Friday, February 5, 1841.

MINUTES.] NEW WRITS.—For King's County, *Vice* Nicholas Fitzsimon, Esq., Chiltern Hundreds.

Bills. Read a first time:—Parliamentary Voters (Ireland); Medical Profession,

Petitions presented. By Sir Francis Burdett, from Newbury, Berks, against the New Poor-law Bill.—By Sir H. Parnell, from the Chamber of Commerce, Dundee, for the Repeal of the Duties on all Foreign Linens.—By Mr. T. S. Duncombe, from the Working Men's Association in Finsbury, complaining of the present state of the Representation in Parliament, and for the House to take into consideration the People's Charter, and for an Address to her Majesty for the Release of Frost, Williams, and Jones, and all Political Offenders.—By Mr. Sergeant Jackson, from a place in the county of Dublin, for the Encouragement of Scriptural Societies, particularly those connected with the Church Education Society.—By Sir R. Inglis, from places in Yorkshire, complaining of the inadequate means possessed by the National Church to supply the wants of the Increasing Population.—By Mr. Litton, from Mountmillick, against any further Grant to the College of Maynooth, and for the Exclusion of Roman Catholics from Parliament.

THANKS TO ADMIRAL STOPFORD.] Lord *J. Russell* rose to propose the vote of thanks, of which he had given notice, to the officers and men engaged in the operations on the coast of Syria. He was quite sure, that in calling upon the House to agree to a vote of thanks to Sir Robert Stopford, Sir Charles Napier, Sir C. Smith, and the other officers and men engaged in the recent operations on the coast of Syria and at Acre, the House would generally allow that the motion was due to those gallant officers and the troops who had served under them. The service had from the commencement been a very peculiar one. It depended in a great degree on the promptitude with which the orders of the Government were carried into effect, and upon the various operations which were necessary to carry out the general policy of the Government. Whether that policy were rightly or wrongly conceived—whether or not it were expedient to attempt any such operations—whatever the opinion of gentlemen might be with respect to those points, there could be no question that, such being the policy of the Government, and such the orders given by her Majesty, nothing could exceed the skill and effect with which those orders were executed. Sir R. Stopford was in the command of a considerable fleet in the Mediterranean; but at the same time it must be recollected the state of affairs was such—the appearances of the peace of Europe being disturbed were at one time so alarming, that with respect to all his operations, with respect to everything he undertook, as a prudent commander, anxious for the reputation of the navy, and likewise for the success of any measures he might be ordered to effect, he was obliged to consider with the utmost discretion and nicety what might be the ultimate events that would arise out of any oper-

ations he should undertake. It was obvious to him, and it would be obvious to the House, that it could not have been sufficient to undertake these operations, considering he had no enemy to deal with, but the Pasha of Egypt, and that there was no chance of a contingency in which a great European power should send its fleet to the assistance of that Pasha. He was obliged, therefore, not only not to waste or squander his force, which would have been unadvisable in any respect, but he was obliged not to throw away any resources he might have beyond what were necessary to effect the object immediately in view. He said this, because he maintained that whatever might be the gallantry and skill displayed in naval or military operations, the officer in command besides his share, which must be the principal share in directing them, had always besides the duty and the charge inseparable from so responsible a situation, not only to consider immediate operations, but it was his bounden duty to look to the position of the Government and the country and take many considerations, partly military, partly naval, and partly political, into his view. He had said thus much as applying to Sir Robert Stopford, and he thought to Sir Robert Stopford alone. What he had now stated applied to Sir Robert Stopford certainly in the first place, but afterwards to every person engaged in these operations. The treaty in consequence of which these operations were undertaken was signed on the 15th of July. Orders were given by which part of these operations should be undertaken before the ratification took place. Certain warnings were in consequence given by Sir Charles Napier, and about the 9th or 10th of September the fleet on the coast of Syria being made aware that Mehemet Ali had rejected all propositions made to him, commenced their hostile operations against the forces of the Pasha, which had finally led to his submission. The first operations were directed against Beyrout, which was taken without any carnage; but as it became necessary to subdue the military force of Mehemet Ali under the command of Ibrahim Pasha, part of which occupied Beyrout, it was regarded as a hostile place. The consequence of the attack was the entire destruction of the military forts of the place. It then became necessary that a land expedition should be undertaken, and by the command of Admiral Stopford, a Turkish force, consisting of

about 6,000 men, to whom were added 1,500 British marines, was landed from the bay. The position taken by this force was not one which could be considered safe for any permanent operation; but Commodore Napier had selected it as one on which no attack could be made, except by troops coming along the shore; but the British ships of war were so placed as to have their guns brought to bear on any force so advancing, and under cover of those the allied forces were intended to advance. The boldness of this attempt formed one of the most remarkable features in the brilliant career of Commodore Napier, under whose immediate command this force was placed. The object was not to land any large army in Syria at first, but a small force was considered necessary in order to encourage the Syrian subjects of the Sultan to take up arms against Mehemet Ali. For that object nothing could be better planned, and nothing could have been more successful in its operation. If that course had not been adopted, it would have been exceedingly rash to expose a comparatively small force to the very large and well appointed army under the command of Ibrahim Pasha—an army estimated by some at 100,000—by others at 120,000, and by none at less than 65,000. It was then ordered by Admiral Stopford that the Egyptian force in Beyrout should be attacked. A movement for that purpose was immediately undertaken, but before it was executed it was discovered that a very large force had occupied the heights above the fort. Here it became necessary to decide at once upon the step to be taken. That decision was instantly made—it was to attack the Egyptian army at once. The attack was made as soon as decided upon, and the force under Ibrahim Pasha, as well as that under Soliman Pasha, were soon obliged to quit the field, leaving a large number of the Egyptian troops prisoners in the hands of the small force under Commodore Napier and General Jochmus. An attack was afterwards made upon Sidon by the combined forces, in which the Archduke Frederick, on board an Austrian frigate, signally distinguished himself. The result of this attack was, that the Egyptian force, unable to withstand the fire of the ships, were obliged to retire, leaving the place in the hands of their assailants. Of the skill and prowess displayed by the officers and men of the allied forces it was impos-

sible to speak in terms of too great praise. But the most important operations on the Syrian coast were those before Acre, a place rendered memorable by the prowess displayed by Sir S. Smith in its defence many years ago. It had fallen to us in the close of the last year to accomplish its capture by the same service which had once so distinguished itself in its defence. On the 29th of October orders came out from England directing Admiral Stopford to attack Acre, but of course leaving much to his discretion, as he should consider the attempt practicable. It was, however, but just to say, that that gallant officer had, before the instructions arrived out, considered whether he should not undertake the enterprise. Seven sail-of-the-line and some smaller vessels were immediately ordered to take up their position in front of the batteries. The position thus chosen by Sir R. Stopford evinced the knowledge and skill of a man who in various parts of the world had always shown his complete acquaintance with the profession to which he was an ornament, and at the same time displayed the most signal gallantry and daring; the attack was commenced by opening the fire of the ships on two sides of the battery, and in a short time it was found to be most destructive, driving from their guns many of the Egyptian troops, who it must be admitted had displayed the most daring bravery. After the firing had continued for a few hours an explosion of a powder magazine took place in the fort with such destructive effect, that the Egyptian commander, and those under his orders, gave up in despair all thoughts of defending the place any longer, and on the 4th of November the place surrendered to the forces of her Majesty and those of the Sultan. In noticing the capture of Acre, he could not omit the distinguished parts borne in the action by Commodore Napier, by Sir Charles Smith, and the engineers under his command; by Admiral Walker, commanding a Turkish line-of-battle ship, and the aid derived from the small but very effective force belonging to the Emperor of Austria. The consequences of these combined operations were the complete success of all the enterprises undertaken from the arrival of the allied forces in September down to their termination by the capture of Acre, and the entire submission of Mehemet Ali to the treaty of the 15th of July. He would not enter here into the policy of the measures under-

taken with respect to Syria, but, whatever that policy might have been, it was impossible that any naval force could have done more than was achieved by the brave men to whose skill and valour those important enterprises were intrusted. He might here observe, that the skill to which modern nations have arrived in the various sciences of navigation, gunnery, and engineering, would be found in time of need utterly useless. They had heard of great attainments in all the arts of civilized warfare, but those had failed, even with every financial means at the disposal of a commander, because he found he had to deal with those of superior minds and energies. Indeed, he was convinced, that if the position of the belligerent parties lately engaged on the Syrian coast had been reversed, and that an Egyptian fleet had had to attack an English fortress, the result would have been different, and the fort would have triumphed in the defeat of the fleet; and why?—because the Egyptians would have found in either case that they had to combat not alone against the material, but also against the moral force, the greater energy of superior skill of men belonging to a nation distinguished as this and other nations of Europe are by superior arts, superior civilization, and enterprise. This was a consideration not to be lost sight of, because it would be lamentable to think that any barbarian by merely cultivating the arts of war, and by having a larger artillery force and a greater number of ships, should be able successfully to compete with any civilized nation. Such, however, he was convinced, never would be the case. On the contrary, he was persuaded that the character and institutions of a nation would always have their weight in the warlike operations in which that nation might be engaged; and as an illustration he might add, that those brave men to whom they were then about to return thanks, distinguished, as they were, by their great personal courage and those daring feats which they had achieved, had shown themselves thus worthy, because they belonged to a nation in which those qualities were always found when needed—a nation which, by its superior institutions, its freedom, its pre-eminence in the arts, had been always ready to produce men to defend its honour and promote its interests, whenever their services were called into action. He did not feel it necessary to add any further on this subject, but would now move, “That the thanks

of this House be given to Admiral the hon. Sir Robert Stopford, Knight Grand Cross of the most hon. Military Order of the Bath, for his able and gallant conduct during the operations on the coast of Syria, terminating in the successful and decisive attack on the batteries and fortress of Acre, on the 3rd of November, 1840."

Lord Stanley said, that standing as he did in that House, he was anxious to state, in a very few words, the grounds on which he cordially seconded the motion of the noble Lord. This was a subject on which no difference of opinion could arise from any political motive. They were not at that time called upon to discuss the bearings of the Syrian question, or to enter into any arguments as to the policy by which her Majesty's Government had been guided in that great question. To do so on such an occasion as the present would be exceedingly embarrassing. All they were called upon to do by the motion of the noble Lord was, to express on the part of that House the exultation they felt at the success which had attended her Majesty's arms, and the gratitude which they and the country were desirous of showing to those brave men, by whose combined exertions, by whose skill and bravery, by whose mental as well as physical powers, the great objects of the expedition had been attained, and an additional triumph afforded to the British arms. The noble Lord, and the members of the Government were alone fully in possession of the nature of the instructions sent out for the guidance of Sir R. Stopford, and the officers under his orders, and they alone could be aware how promptly and energetically those orders had been acted upon. But such was the critical nature of the situation in which that gallant Admiral was placed, so many circumstances might have occurred which would have rendered a modification of, or a total change in, or perhaps a neglect of those instructions necessary, that it required the exercise of the greatest vigilance and promptitude in obeying the orders given, but also great decision, and the highest degree of political prudence in acting for himself, as if no instructions had been sent out. He (Lord Stanley) therefore thought, without having more information on the subject than was already before the House, without knowing anything of the details known only to the Government, that there was no Gentleman

at either side of the House, not a man in the country who would refuse, upon general information accessible to all, the praise of prudence combined with vigour, activity, and valour, which had been assigned by the noble Lord opposite to Sir R. Stopford in the late operations on the Syrian coast. On this point he could not see how difference of opinion could exist, and still less could it exist when the question applied to the brave men who had acted under his orders, and who had so ably followed up and seconded his efforts—men who had displayed that almost reckless courage and daring which were the general characteristics of our naval and military forces—men who had achieved a series of operations, ending in one of the most brilliant feats of modern times, and which would render the names of those who directed it illustrious in the history of their country. He ought to apologize for having occupied the attention of the House so long, when he had intended to say only a few words, but he was anxious to state, in the position he occupied, in his own name, and in the name of those with whom he had the honour to act, and to give on that side a proof that on such a question, whatever might be their political differences, whatever might be their internal animosities, whatever occasional discord might arise on other subjects, there could be none on this; and that the British Senate, faithfully representing the mind of the British people, had on a question of this kind but one sentiment—that of rejoicing at every new accession of glory to the British arms, and concurring in the expression of gratitude to those brave men who had so mainly contributed to uphold the honour of the British name.

Lord F. Egerton wished to take that opportunity of saying a few words to express his entire concurrence in all that had fallen from the noble Lord (John Russell) in praise of the skill and valour of the brave men who had conducted and been engaged in the late operations on the coast of Syria. He hoped he should not be considered as making a captious objection to any expression used by the noble Lord; but there was one passage in the noble Lord's speech on which he would say a word to prevent a misconstruction being put upon it in another place. The noble Lord had spoken of the explosion of a powder magazine in the fortress of Acre,

in such a way, that it might lead some to imagine that he looked upon that event as causing in a great measure the surrender of that place. To say that, would certainly not be doing full justice to the gallant men engaged in the attack. He was sure that no one in that House would put that construction on the noble Lord's words, but it was probable that a very wrong construction would be placed upon them elsewhere, which it was his object to prevent in thus noticing. With this view he also wished to state, that when the smoke of that explosion cleared away, the Egyptians returned to their guns, and continued to work them until near sunset, when they were driven away by the increased exertions of the ships. Nothing could well surpass the resolution of those brave men, for brave they certainly were, in standing to their guns until driven from them by the irresistible fire of our men of war. He might subject himself to the charge of exaggeration by comparing the brave men who conducted the siege of Acre with such heroes as Blake, Howe, and Nelson, and others of former times; but the battles of the Nile and Trafalgar could not be well compared with the late brilliant affair of Acre; for there were incidents in the attack on Acre which could not have happened in the battles to which he referred, because at the period of those battles, the use of steam in naval warfare was unknown. As an illustration of the great improvement in naval gunnery of late, he might mention that a line-of-battle ship was ordered to direct her fire against a particular tower, and for this purpose was ordered to fire low, and so well directed was her fire, that the whole broadside was poured into the compass of a few feet. Another incident—the landing of Commodore Napier at Djounie Point—was, he thought, equal to any naval exploit of former days. If the forms of the House, and the practice on such occasions would admit, he should like to see the names of Sir T. Hastings, and of a gentleman who, in politics, belonged to the opposite (the Ministerial) side of the House, but whom he considered as one of the best officers in the service—he meant Sir Samuel J. Pechell, and also that of Sir Howard Douglas, mentioned. The noble Lord concluded by again expressing his cordial approval of the motion.

Mr. *Hume* hoped the time would never come when a difference of political opin-

ions in this House would ever induce any Gentleman to refuse the just meed of his praise and approbation to those who have merited it by their bravery and good conduct. There was no doubt of this fact, that no men could have behaved better than their seamen and marines on this occasion, and he, as an individual, was anxious to give them all the honour that they deserved. He could not, however, avoid remarking, that he deeply deplored that services so eminent should have been employed as he conceived in such an expedition, and which he conceived was highly injurious to the best interests of the country. He could not, therefore, concur in this vote, without entering his protest against the policy which had been pursued by Ministers on the question of Syria.

Sir *H. Hardinge* had no protest to enter against the policy pursued by Her Majesty's Ministers on this question, or any approbation to offer, because that was not the occasion on which its merits could be discussed; and he thought the noble Lord, and those who followed him in the discussion, had acted wisely in abstaining from all political allusions. He believed that the account given by the noble Lord of the operations in Syria was most accurate, and he concurred with him in thinking that no men ever better deserved the thanks of their country than those brave and gallant individuals who had been engaged in those actions. Whatever might be the difficulties of any orders which the navy might receive, such were the resources, such the genius, and such the originality of that branch of our service, that, whether it was afloat or on shore, they always brought their efforts to a successful result. On the present occasion he considered that although the navy had not had the same hard fighting that it had had on former occasions, yet the skill and the science which they displayed were attributes of their superiority of the greatest importance; and he hailed their success with the greatest satisfaction. The noble Lord, in mentioning Admiral Stopford's success, had stated that before he received instructions from home he was fully prepared to attack Acre. Now not only was Admiral Stopford fully prepared, but he had also made up his mind to attack Acre before he received instructions to this effect. He thought it was due to the Gallant Admiral that that point should be clearly understood—that he had

not only made preparations to attack Acre, but had positively decided to make the attack before the Vesuvius arrived, bearing the instructions of Lord Palmerston. The noble Lord, in the course of his speech had alluded to a very memorable instance in which our Navy had distinguished itself on that very spot—the defence of Acre by Sir Sydney Smith. He (Sir H. Hardinge) would not draw a parallel between the exploits of Sir Sydney Smith and those of Admiral Stopford. It was impossible to institute a comparison for the cases were dissimilar in all their features. On the one occasion Admiral Stopford destroyed the defences of Acre in three hours; on the other occasion to which the noble Lord had referred, and which occurred about forty years ago, Sir Sydney Smith landed his marines and the crews of his ships, entered into the breach, and in a series of sixty days of open trenches, having sustained nine desperate assaults by the French army—a brave and victorious army led by Buonaparte in person—he effected the safety of the town by repulsing all the efforts made against the fort. The cases were perfectly dissimilar; and therefore he might, without making any invidious comparison with the services of the gallant officers, who were about to receive the thanks of that House, take that opportunity of making a suggestion to the House, which he thought of considerable importance. Sir Sydney Smith had received the thanks of both Houses of Parliament for his exploits at Acre. Lord Spencer declared, in moving the vote of thanks in Parliament, that he had performed an exploit unrivalled in history. Parliament was of the same opinion, for departing from its ordinary usage, it had passed a vote of thanks to him for his services, though he was only a captain in the navy. If he had been killed in the breach which he so nobly defended, he would have had a monument erected to his memory. The gallant officer had been dead a short time, and he would take this opportunity of suggesting to the House the propriety and justice of erecting a monument to his memory in St. Paul's. It appeared to him that his exploit at Acre was of such a memorable character, that the House were bound in that manner to mark their sense of his services.

Sir De Lacy Evans concurred fully in the motion, but expressed his regret that the names of some other officers, such as General Jochmus, had not been included

in the vote. It would be unnecessary to add anything to the praises given to the brave men engaged on these occasions, as their merits had been borne testimony to by the highest military authority of the age—the Duke of Wellington.

Sir R. H. Inglis said, he had felt the greatest delight at the success with which it had pleased Almighty God to bless her Majesty's forces, he hoped this Christian people while looking to the instruments, would not forget that it was the hand of God that directed their efforts. He concurred with the noble Lord in the terms in which he had proposed this vote of thanks, the highest honour which this House could pay to any of their fellow-subjects. But he trusted, that the noble Lord would not feel that he had discharged his duty to the subjects of that motion, if high as was the honour proposed he limited his reward to that vote of thanks. It was in the power of her Majesty's Government to confer a pecuniary reward upon these men, but he trusted that, instead of that, there would be conferred upon the gallant commander one of a more enduring character, and one which had been generally bestowed on similar occasions. He trusted he had not unnecessarily obtruded these observations upon the House.

Lord Ingestrie could not allow the vote to pass without offering his tribute of approval to the conduct of the gallant men whose exploits were now under their consideration. He regretted to find that there was an hon. Member of the House who differed as to the expediency of such a vote, because it was a question on which there could be no party or political feelings whatever. He hoped her Majesty's Government would attend to the hint thrown out by the hon. Baronet near him, of conferring some distinction on the gallant Commander of the Forces in the Mediterranean. There was one officer who in those operations (Colonel Walker) had met with his death, not by the guns of the enemy, but by the climate, and whose services had been such as to merit the insertion of his name in this vote of thanks. He was an officer of marines, and perhaps it might be some consolation to his family to find such honourable mention made of the corps to which he belonged. The noble Lord concluded with expressing his cordial concurrence in the motion.

Lord J. Russell, in explanation, said, he

had not attributed the fall of Acre to the explosion of the powder magazine. He had mentioned the occurrence as it had been noticed by others, but he did not say the capture of the place was occasioned by it.

Lord F. Egerton said, he noticed the circumstance to prevent a misconstruction being put upon it elsewhere.

Resolution carried *nem. con.*, as were also the following resolutions:—

“That the thanks of this House be given to Commodore Sir Charles Napier, Knight Commander of the Most Hon. Military Order of the Bath, and to the several Captains and officers of the fleet employed on that arduous service.

“That this House doth acknowledge and highly approve the services of the Seamen and Royal Marines serving in the fleet on the coast of Syria.

“That the thanks of this House be given to Major-General Sir Charles Frederick Smith, and to the officers of the Royal Artillery and engineers who served under his command on the coast of Syria.

“That this House doth acknowledge and highly approve the services of the detachments of Royal Artillery and of Royal Sappers and Miners in the fleet employed on that important service.

“That the thanks of this House be given to rear-admiral Baron de Bandeira, and the naval forces of his Majesty the Emperor of Austria under the rear-admiral's command, for their cordial assistance and co-operation in the service on the coast of Syria, and the attack of Acre on the 3rd of November, 1840.

“That the thanks of this House be given to admiral Sir Baldwin Wake Walker, knight, commander of the most hon. military Order of the Bath, and naval forces of his highness the Sultan, for their gallant assistance and co-operation during the service on the coast of Syria, and the attack of Acre on the 3rd of November, 1840.

“That Mr. Speaker do communicate the said resolutions to admiral the hon. Sir Robert Stopford; and that he be requested to make known the same to the several officers under his command, and in co-operation with her Majesty's navy in the said service.”

COPYRIGHT.] The Order of the day for the second reading of the Copyright Bill having been read,

Mr. Sergeant Talfourd said, that after the discussion which the principle of the bill had undergone in that House, he should feel himself unworthy of the attention which had been accorded to him on former occasions if he were to occupy the House for more than a few minutes; and

were it not for some misconceptions that existed as to the principle of the bill he would not have said one word. One misconception was with respect to that which formed the main object of the bill—the extension of the term during which authors should retain an interest in the works of their own minds. He supposed, that because the term of sixty years was mentioned, that therefore those who supported the bill of necessity insisted on that term being retained in the bill. He had always taken every pains to let it be understood that he was not by any means wedded to that term, but that a less term would satisfy him. There were indeed certain hon. Members whom he would not ask to vote for the second reading of the bill, but he would ask those who were ready to follow the present project introduced into the Chamber of Deputies in Paris, for the purpose of giving a copyright to the extent of thirty years. That measure was introduced by the Minister of Public Instruction, with the assertion that he thought a perpetual copyright was but just, and he regretted that it was not in his power to propose that instead of thirty years. He (Sergeant Talfourd) would ask those hon. Members who approved of that measure to vote for the second reading of the bill; and he would ask them whether they would not give something to both sides. He thought that the promoters of this bill were misunderstood when it was said that they overlooked the question of expediency with respect to the publishers and the public. He did not certainly love that word expediency as much as certain hon. Gentlemen on the other side of the House. He had, with astonishment, heard it said that their duty to authors was to give them as little as possible, so that they might play upon the author's love of fame. When he heard the creations of the mind compared with the rent of land, he was not able to avoid asking the question, whether those who occupied no space possessed by others—whether those who altogether created that which was to be a system of instruction for the human mind—whether those individuals were not entitled to the benefit of their own work? But he denied, that he had placed the principle of that bill merely in that light. He had regard to what was expedient to authors, to publishers, and to the public. As to authors, it was enough, to say, that amongst the petitioners in favour of that

bill, were some of the greatest authors, and who were entitled, he should say, to the thanks of that House. As to publishers, with one or two exceptions, the publishers were quite satisfied with the provisions of the bill. Then, with regard to the public, he always contended, that in the first place, the public should learn justice. He contended for that because, it was expedient it should be kept in mind in the subject of this bill as well as in matters of law and justice. In the year 1814, there was a far larger extension of copyright than that he now asked for. The term of copyright, which was fourteen years, was then extended to twenty-eight years, and precisely the same arguments were then urged as against the present bill, that books would become dearer, there would be fewer written, fewer published, and fewer sold. Now, since the year 1814, books had greatly increased in number, and diminished in price, and, therefore, had he not a strong and unanswerable proof that extensions of copyright by no means implied dearth of books. He had only made these remarks for the purpose of showing that it was a misunderstanding to say that he rested the right of this bill merely on the ground of some natural right, without regard to expediency. He would only submit to the House, in two sentences, two considerations, which seemed to him to prove an absolute necessity for this measure. The first was, that it was only by this means they could give to authors the power of preserving the purity of their works, and of securing them from pretended abridgements, which would emasculate, or pervert, or pollute them, and give to those, to whom it would be a labour of love, their families, and those who cherished their memories, the means of protecting them from such injury. The next consideration was, that, as it was too much the tendency of the present day to purchase works of light and airy character, and of temporary interest, and as such works were abundantly rewarded by the immediate profit they afforded, it became them to encourage that which was slow in production, high in aim, and lasting in duration, and not to say that all the profits should be given to the labours of a day. "That those who vindicated their own powers for immortality, as far as it could be judged of by the years of life, should not go without their just reward." He would

not trouble the House further on a subject, which he believed on his part, was quite exhausted. He therefore begged leave to move the second reading of the bill.

Mr. Macaulay: Though, Sir, it is in some sense agreeable to approach a subject with which political animosities have nothing to do, I offer myself to your notice with some reluctance. It is painful to me to take a course which may possibly be misunderstood or misrepresented as unfriendly to the interests of literature and literary men. It is painful to me, I will add, to oppose my hon. and learned Friend on a question which he has taken up from the purest motives, and which he regards with a parental interest. These feelings have hitherto kept me silent when the law of copyright has been under discussion. But as I am, on full consideration, satisfied that the measure before us will, if adopted, inflict grievous injury on the public, without conferring any compensating advantage on men of letters, I think it my duty to avow that opinion and to defend it. The first thing to be done, Sir, is to settle on what principles the question is to be argued. Are we free to legislate for the public good, or are we not? Is this a question of expediency, or is it a question of right? Many of those who have written and petitioned against the existing state of things, treat the question as one of right. The law of nature, according to them, gives to every man a sacred and indefeasible property in his own ideas, in the fruits of his own reason and imagination. The legislature has indeed the power to take away this property, just as it has the power to pass an act of attainder for cutting off an innocent man's head without a trial. But as such an act of attainder would be legal murder, so would an act invading the right of an author to his copy be according to these gentlemen, legal robbery. Now, Sir, if this be so, let justice be done, cost what it may. I am not prepared like my hon. and learned Friend, to agree to a compromise between right and expediency, to commit an injustice for the public convenience. But I must say, that his theory soars far beyond the reach of my faculties. It is not necessary to go, on the present occasion into a metaphysical inquiry about the origin of the right of property; and certainly nothing but the strongest necessity would lead me to discuss a subject so likely to be distasteful to the House. I agree, I own with Paley in thinking that property is the

creature of the law, and that the law which creates property can be defended only on this ground, that it is a law beneficial to mankind. But it is unnecessary to debate that point. For even if I believed in a natural right of property, independent of utility and anterior to legislation, I should still deny that this right could survive the original proprietor. Few, I apprehend, even of those who have studied in the most mystical and sentimental schools of moral philosophy, will be disposed to maintain that there is a natural law of succession older and of higher authority than any human code. If there be, it is quite certain that we have abuses to reform much more serious than any connected with the question of copyright. For this natural law can be only one, and the modes of succession in the Queen's dominions are twenty. To go no further than England, land generally descends to the eldest son. In Kent the sons share and share alike; in many districts the youngest takes the whole. Formerly a portion of a man's personal property was secured to his family. It was only of the residue that he could dispose by will. Now he can dispose of the whole by will. But a few years ago you enacted, that the will should not be valid unless there were two witnesses. If a man dies intestate, his personal property generally goes according to the statute of distributions. But there are local customs which modify that statute. Now which of all these systems is conformed to the eternal standard of right? Is it primogeniture, or gavelkind, or borough English? Are wills *jure divino*. Are the two witnesses *jure divino*? Might not the *pars rationabilis* of our old law have as fair a claim to be regarded as of celestial institution? Was the statute of distributions enacted in Heaven long before it was adopted by Parliament. Or is it to Custom of York, or to Custom of London that this pre-eminence belongs? Surely, Sir, even those who hold that there is a natural right of property must admit that rules prescribing the manner in which the effects of deceased persons shall be distributed, are purely arbitrary, and originate altogether in the will of the legislature. If so, Sir, there is no controversy between my hon. and learned Friend and myself as to the principles on which this question is to be argued. For the existing law gives an author copyright during his natural life; nor do I propose to invade that privilege, which I should, on the contrary, be prepared to defend strenuously against any

assailant. The point in issue is, how long after an author's death the State shall recognize a copyright in his representatives and assigns, and it can, I think, hardly be disputed by any rational man that this is a point which the legislature is free to determine in the way which may appear to be most conducive to the general good. We may now, therefore, I think descend from these high regions, where we are in danger of being lost in the clouds, to firm ground and clear light. Let us look at this question like legislators, and after fairly balancing conveniences and inconveniences, pronounce between the existing law of copyright and the law now proposed to us. The question of copyright, Sir, like most questions of civil prudence is neither black nor white, but grey. The system of copyright has great advantages, and great disadvantages, and it is our business to ascertain what these are, and then to make an arrangement under which the advantages may be as far as possible secured, and the disadvantages as far as possible excluded. The charge which I bring against my hon. and learned Friend's bill is this,—that it leaves the advantages nearly what they are at present and increases the disadvantages at least four fold. The advantages arising from a system of copyright are obvious. It is desirable that we should have a supply of good books; we cannot have such a supply unless men of letters are liberally remunerated; and the least objectionable way of remunerating them is by means of copyright. You cannot depend for literary instruction and amusement on the leisure of men occupied in the pursuits of active life. Such men may occasionally produce pieces of great merit. But you must not look to them for works which require deep meditation and long research. Such works you can expect only from persons who make literature the business of their lives. Of these persons few will be found among the rich and the noble. The rich and the noble are not impelled to intellectual exertion by necessity. They may be impelled to intellectual exertion by the desire of distinguishing themselves, or by the desire of benefiting the community. But it is generally within these walls that they seek to signalize themselves and to serve their fellow creatures. Both their ambition and their public spirit, in a country like this, naturally take a political turn. It is then on men whose profession is literature, and

whose private means are not ample, that you must rely for a supply of valuable books. Such men must be remunerated for their literary labour. And there are only two ways in which they can be remunerated. One of those ways is patronage; the other is copyright. There have been times in which men of letters looked, not to the public, but to the Government, or to a few great men, for the reward of their exertions. It was thus in the time of Mæcenas and Pollio at Rome, of the Medici at Florence, of Louis the Fourteenth in France, of Lord Halifax and Lord Oxford in this country. Now, Sir, I well know that there are cases in which it is fit and graceful, nay, in which it is a sacred duty, to reward the merits or to relieve the distresses of men of genius by the exercise of this species of liberality. But these cases are exceptions. I can conceive no system more fatal to the integrity and independence of literary men, than one under which they should be taught to look for their daily bread to the favour of ministers and nobles. I can conceive no system more certain to turn those minds which are formed by nature to be the blessings and ornaments of our species into its scandal and its pest. We have then only one resource left. We must betake ourselves to copyright, be the inconveniences of copyright what they may. Those inconveniences, in truth, are neither few nor small. Copyright is monopoly, and produces all the effects which the general voice of mankind attributes to monopoly. My hon. and learned Friend talks very contemptuously of those who are led away by the theory that monopoly makes things dear. That monopoly makes things dear is certainly a theory, as all the great truths which have been established by the experience of all ages and nations, and which are taken for granted in all reasonings, may be said to be theories. It is a theory in the same sense in which it is a theory that day and night follow each other, that lead is heavier than water, that bread nourishes, that arsenic poisons, that alcohol intoxicates. If, as my hon. and learned Friend seems to hold, the whole world is in the wrong on this point, if the real effect of monopoly is to make articles good and cheap, why does he stop short in his career of change? Why does he limit the operation of so salutary a principle to sixty years? Why does he consent to anything short of a perpetuity? He told us that in consenting to anything short of a

perpetuity, he was making a compromise between extreme right and expediency. But if his opinion about monopoly be correct, extreme right and expediency would coincide. Or rather why should we not restore the monopoly of the East-Indian trade to the East-India Company? Why should we not revive all those old monopolies which, in Elizabeth's reign, galled our fathers so severely that, maddened by intolerable wrong, they opposed to their sovereign a resistance before which her haughty spirit quailed for the first and for the last time? Was it the cheapness and excellence of commodities that then so violently stirred the indignation of the English people? I believe, Sir, that I may safely take it for granted that the effect of monopoly generally is to make articles scarce, to make them dear, and to make them bad. And I may with equal safety challenge my hon. Friend to find out any distinction between copyright and other privileges of the same kind,—any reason why a monopoly of books should produce an effect directly the reverse of that which was produced by the East-India Company's monopoly of tea, or by Lord Essex's monopoly of sweet wines. Thus, then, stands the case. It is good, that authors should be remunerated; and the least exceptionable way of remunerating them is by a monopoly. Yet monopoly is an evil. For the sake of the good we must submit to the evil; but the evil ought not to last a day longer than is necessary for the purpose of securing the good. Now, I will not affirm, that the existing law is perfect, that it exactly hits the point at which the monopoly ought to cease, but this I confidently say, that it is very much nearer that point than the law proposed by my hon. and learned Friend. For consider this; the evil effects of the monopoly are proportioned to the length of its duration. But the good effects for the sake of which we bear with its evil effects are by no means proportioned to the length of its duration. A monopoly of sixty years produces twice as much evil as a monopoly of thirty years, and thrice as much evil as a monopoly of twenty years. But it is by no means the fact that a posthumous monopoly of sixty years, gives to an author thrice as much pleasure, and thrice as strong a motive as a posthumous monopoly of twenty years. On the contrary, the difference is so small as to be hardly perceptible. We all know how faintly we are affected by the prospect of very distant advantages, even when they are advantages

which we may reasonably hope that we shall ourselves enjoy. But an advantage that is to be enjoyed more than half a century after we are dead, by somebody, we know not whom, perhaps by somebody unborn, by somebody utterly unconnected with us, is really no motive to action. It is very probable, that in the course of some generations, land in the unexplored and unmapped heart of the Australian continent, will be very valuable. But there is none of us who would lay down five pounds for a whole province in the heart of the Australian continent. We know, that neither we, nor anybody for whom we care, will ever receive a farthing of rent from such a province. And a man is very little moved by the thought that in the year 2000 or 2100 somebody who claims through him will employ more shepherds than Prince Esterbazy, and will have the finest house and gallery of pictures at Victoria or Sydney. Now, this is the sort of boon which my hon. and learned Friend holds out to authors. Considered as a boon to them, it is a mere nullity; but, considered as an impost on the public, it is no nullity, but a very serious and fatal reality; I will take an example. Dr. Johnson died fifty-six years ago. If the law were what my hon. and learned Friend wishes to make it, somebody would now have the monopoly of Dr. Johnson's works. Who that somebody would be, it is impossible to say, but we may venture to guess. I guess, then, that it would have been some bookseller, who was the assign of another bookseller, who was the grandson of a third bookseller, who had bought the copyright from Black Frank, the Doctor's servant, in 1785 or 1786. Now, would the knowledge, that this copyright would exist in 1841, have been a source of gratification to Johnson? Would it have stimulated his exertions? Would it have once drawn him out of his bed before noon? Would it have once cheered him under a fit of the spleen? Would it have induced him to give us one more allegory, one more life of a poet, one more imitation of Juvenal? I firmly believe not. I firmly believe that a hundred years ago, when he was writing our debates for the Gentleman's Magazine, he would very much rather have had two-pence to buy a plate of shin of beef at a cook's shop underground. Considered as a reward to him, the difference between a twenty years' term, and a sixty years' term of posthumous copyright, would have been nothing or next to nothing. But is the

difference nothing to us? I can buy Rasse-las for sixpence; I might have had to give five shillings for it. I can buy the Dictionary—the entire genuine Dictionary—for two guineas, perhaps for less; I might have had to give five or six guineas for it. Do I grudge this to a man like Dr. Johnson? Not at all. Show me that the prospect of this boon roused him to any vigorous effort, or sustained his spirits under depressing circumstances, and I am quite willing to pay the price of such an object, heavy as that price is. But what I do complain of is that my circumstances are to be worse, and Johnson's none the better, that I am to give five pounds for what to him was not worth a farthing. The principle of copyright is this. It is a tax on readers for the purpose of giving a bounty to writers. The tax is an exceedingly bad one; it is a tax on one of the most innocent and most salutary of human pleasures; and never let us forget that a tax on innocent pleasures is a premium on vicious pleasures. I admit, however, the necessity of giving a bounty to genius and learning. In order to give such a bounty, I willingly submit even to this severe and burdensome tax. Nay, I am ready to increase the tax if it can be shown that by so doing I should proportionably increase the bounty. My complaint is, that my hon. and learned Friend doubles, triples, quadruples, the tax, and makes scarcely any perceptible addition to the bounty. To recur to the case of Dr. Johnson,—what is the additional amount of taxation which would have been levied on the public for Dr. Johnson's works alone, if my hon. and learned Friend's bill had been the law of the land? I have not data sufficient to form an opinion. But I am confident that the taxation on his Dictionary alone would have amounted to many thousands of pounds. In reckoning the whole additional sum which the holders of his copyrights would have taken out of the pockets of the public during the last half century at twenty thousand pounds, I feel satisfied that I very greatly under-rate it. Now, I again say, that I think it but fair that we should pay twenty thousand pounds in consideration of twenty thousand pounds worth of pleasure and encouragement received by Dr. Johnson. But I think it very hard that we should pay twenty thousand pounds for what he would not have valued at five shillings. My hon. and learned Friend dwells on the claims of the posterity of great writers. Undoubted-

ly, Sir, it would be very pleasing to see a descendant of Shakespeare living in opulence, on the fruits of his great ancestor's genius. A house maintained in splendour by such a patrimony would be a more interesting and striking object than Blenheim is to us, or than Strathfieldsaye will be to our children. But, unhappily, it is scarcely possible that, under any system, such a thing can come to pass. My hon. and learned Friend does not propose that copyright shall descend to the eldest son, or shall be bound up by irrevocable entail. It is to be merely personal property. It is therefore highly improbable that it will descend during sixty years or half that term from parent to child. The chance is that more people than one will have an interest in it. They will in all probability sell it and divide the proceeds. The price which a bookseller will give for it will bear no proportion to the sum which he will afterwards draw from the public, if his speculation proves successful. He will give little, if any thing, more for a term of sixty years than for a term of thirty or five-and-twenty. The present value of a distant advantage is always small; but when there is great room to doubt whether a distant advantage will be any advantage at all, the present value sinks to almost nothing. Such is the inconstancy of the public taste, that no sensible man will venture to pronounce, with confidence, what the sale of any book published in our days will be in the years between 1890 and 1900. The whole fashion of thinking and writing, has often undergone a change in a much shorter period than that to which my hon. and learned Friend would extend posthumous copyright. What would have been considered the best literary property in the earlier part of Charles the Second's reign? I imagine Cowley's poems. Overleap sixty years, and you are in the generation of which Pope asked, "who now reads Cowley?" What works were ever expected with more impatience by the public than those of Lord Bolingbroke, which appeared, I think, in 1754. In 1814, no bookseller would have thanked you for the copyright of them all, if you had offered it to him for nothing. What would Pater-noster-row give now for the copyright of Hayley's *Triumphs of Temper*, so much admired within the memory of many people still living? I say, therefore, that, from the very nature of literary property, it will almost always pass away from an author's family; and, I say, that the price given

for it to the family will bear a very small proportion to the tax which the purchaser, if his speculation turns out well, will in the course of a long series of years, levy on the public. If, Sir, I wished to find a strong and perfect illustration of the effects which I anticipate from long copyright, I should select,—my hon. and learned Friend will be surprised,—I should select the case of Milton's grand-daughter. As often as this bill has been under discussion, the fate of Milton's grand-daughter has been brought forward by the advocates of monopoly. My hon. and learned Friend has repeatedly told the story with great eloquence and effect. He has dilated on the sufferings, on the abject poverty, of this ill-fated woman, the last of an illustrious race. He tells us that, in the extremity of her distress, Garrick gave her a benefit, that Johnson wrote a prologue, and that the public contributed some hundreds of pounds. Was it fit, he asks, that she should receive, in this eleemosynary form, a small portion of what was in truth a debt? Why, he asks, instead of obtaining a pittance from charity, did she not live in comfort and luxury on the proceeds of the sale of her ancestor's works? But, Sir, will my hon. and learned Friend tell me that this event, which he has so often and so pathetically described, was caused by the shortness of copyright? Why, at that time, the duration of copyright was longer than even he, at present, proposes to make it. The monopoly lasted not sixty years, but for ever. At the time at which Milton's grand-daughter asked charity, Milton's works were the exclusive property of a bookseller. Within a few months of the day on which the benefit was given at Garrick's theatre, the holder of the copyright of *Paradise Lost*, I think it was Tonson, applied to the Court of Equity for an injunction against a bookseller, who had published a cheap edition of the great epic poem, and obtained his injunction. The representation of *Comus* was, if I remember rightly, in 1750—the injunction in 1752. Here, then, is a perfect illustration of what I conceive to be the effect of long copyright. Milton's works are the property of a single publisher. Everybody, who wants them, must buy them at Tonson's shop, and at Tonson's price. Whoever attempts to undersell Tonson is harassed with legal proceedings. Thousands who would gladly possess a copy of *Paradise Lost*, must forego that great enjoyment. And what, in the meantime is the situation of the only person

for whom we can suppose that the author, protected at such a cost to the public, was at all interested? She is reduced to utter destitution. Milton's works are under a monopoly. Milton's grand-daughter is starving. The reader is pillaged; but the writer's family is not enriched. Society is taxed doubly. It has to give an exorbitant price for the poems; and it has at the same time to give alms to the only surviving descendant of the poet. But this is not all. I think it right, Sir, to call the attention of the House to an evil, which is perhaps more to be apprehended when an author's copyright remains in the hands of his family, than when it is transferred to booksellers. I seriously fear, that if such a measure as this should be adopted, many valuable works will be either totally suppressed or grievously mutilated. I can prove that this danger is not chimerical; and I am quite certain that, if the danger be real, the safeguards which my hon. and learned Friend has devised are altogether nugatory. That the danger is not chimerical may easily be shewn. Most of us, I am sure, have known persons who, very erroneously, as I think, but from the best motives, would not choose to reprint Fielding's novels, or Gibbon's *History of the Decline and Fall of the Roman Empire*. Some Gentlemen may perhaps be of opinion, that it would be as well if *Tom Jones* and Gibbon's *History* were never reprinted. I will not, then, dwell on these or similar cases. I will take cases respecting which it is not likely that there will be any difference of opinion here, cases too in which the danger of which I now speak is not matter of supposition, but matter of fact. Take Richardson's novels. Whatever I may; on the present occasion, think of my hon. and learned Friend's judgment as a legislator, I must always respect his judgment as a critic. He will, I am sure, say that Richardson's novels are among the most valuable, among the most original works in our language. No writings have done more to raise the fame of English genius in foreign countries. No writings are more deeply pathetic. No writings, those of Shakespeare excepted, show such profound knowledge of the human heart. As to their moral tendency, I can cite the most respectable testimony. Dr. Johnson describes Richardson as one who had taught the passions to move at the command of virtue. My dear and honoured Friend, Mr. Wilberforce, in his celebrated religious treatise, when speaking of the unchristian

tendency of the fashionable novels of the eighteenth century, most distinctly excepts Richardson from the censure. Another excellent person whom I can never mention without respect and kindness, Mrs. Hannah More, often declared in conversation, and has declared in one of her published poems, that she first learned from the writings of Richardson those principles of piety, by which her life was guided. I may safely say, that books celebrated as works of art through the whole civilised world, and praised for their moral tendency by Dr. Johnson, by Mr. Wilberforce, by Mrs. Hannah More, ought not to be suppressed. Sir, it is my firm belief, that if the law had been what my hon. and learned Friend proposes to make it, they would have been suppressed. I remember Richardson's grandson well; he was a clergyman in the city of London; he was a most upright and excellent man; but he had conceived a strong prejudice against works of fiction. He thought all novel-reading not only frivolous but sinful. He said,—this I state on the authority of one of his clerical brethren, who is now a bishop;—he said that he had never thought it right to read one of his grandfather's books. Suppose, Sir, that the law has been what my hon. and learned Friend would make it. Suppose that the copyright of Richardson's novels had descended, as might well have been the case, to this gentleman. I firmly believe, that he would have thought it sinful to give them wide circulation. I firmly believe, that he would not for a hundred thousand pounds have deliberately done what he thought sinful. He would not have reprinted them. And what protection does my hon. and learned Friend give to the public in such a case? Why, Sir, what he proposes is this: if a book is not reprinted during five years, any person who wishes to reprint it may give notice in the *London Gazette*: the advertisement must be repeated three times: a year must elapse; and then, if the proprietor of the copyright does not put forth a new edition, he loses his exclusive privilege. Now, what protection is this to the public? What is a new edition? Does the law define the number of copies that make an edition? Does it limit the price of a copy? Are twelve copies on large paper, charged at thirty guineas each, an edition? It has been usual, when monopolies have been granted, to prescribe numbers and to limit prices. But I do not find that my

hon. and learned Friend proposes to do so in the present case. And, without some such provision, the security which he offers is manifestly illusory. It is my conviction, that under such a system as that which he recommends to us, a copy of *Clarissa* would have been as rare as an Aldus or a Caxton. I will give another instance. One of the most instructive, interesting and delightful books in our language is Boswell's *Life of Johnson*. Now it is well known that Boswell's eldest son considered this book, considered the whole relation of Boswell to Johnson, as a blot in the escutcheon of the family. He thought, not perhaps altogether without reason, that his father had exhibited himself in a ludicrous and degrading light. And thus he became so sore and irritable, that at last he could not bear to hear the *Life of Johnson* mentioned. Suppose that the law had been what my hon. and learned Friend wishes to make it. Suppose that the copyright of Boswell's *Life of Johnson* had belonged, as it well might, during sixty years to Boswell's eldest son. What would have been the consequence? An unadulterated copy of the finest biographical work in the world would have been as scarce as the first edition of Camden. These are strong cases. I have shewn you that, if the law had been what you are now going to make it, the finest prose work of fiction in the language, the finest biographical work in the language, would very probably have been suppressed. But I have stated my case weakly. The books which I have mentioned are singularly inoffensive books,—books not touching on any of those questions which drive even wise men beyond the bounds of wisdom. There are books of a very different kind,—books which are the rallying points of great political and religious parties. What is likely to happen if the copyright of one of these books should by descent or transfer come into the possession of some hostile zealot. I will take a single instance. It is fifty years since John Wesley died; his works, if the law had been what my hon. and learned Friend seeks to make it, would now have been the property of some person or other. The sect founded by Wesley is the most numerous, the wealthiest the most powerful, the most zealous, of sects. In every election it is a matter of the greatest importance to obtain the support of the Wesleyan Methodists. Their numerical strength is reckoned by hundreds of thousands. They hold the memory of their founder in the greatest reverence;

and not without reason, for he was unquestionably a great and a good man. To his authority they constantly appeal. His works are in their eyes of the highest value. His doctrinal writings they regard as containing the best system of theology ever deduced from Scripture. His journals, interesting even to the common reader, are peculiarly interesting to the Methodist: for they contain the whole history of that singular polity which, weak and despised in its beginning, is now, after the lapse of a century so strong, so flourishing, and so formidable. The hymns to which he gave his imprimatur are a most important part of the public worship of his followers. Now suppose that the copyright of these works belonged to some person who holds the memory of Wesley and the doctrines and discipline of the Methodists in abhorrence. There are many such persons. The Ecclesiastical Courts are at this very time sitting on the case of a clergyman of the Established Church who refused Christian burial to a child baptized by a Methodist preacher. I took up the other day a work which is considered as among the most respectable organs of a large and growing party in the Church of England and there I saw John Wesley designated as a forsworn priest. Suppose that the works of Wesley were suppressed. Why, Sir, such a grievance would be enough to shake the foundations of Government. Let Gentlemen who are attached to the Church reflect for a moment what their feelings would be if the Book of Common Prayer were not to be reprinted for thirty or forty years,—if the price of a Book of Common Prayer were run up to five or ten guineas. And then let them determine whether they will pass a law under which it is possible, under which it is probable, that so intolerable a wrong may be done to some sect consisting perhaps of half a million of persons. I am so sensible, Sir, of the kindness with which the House has listened to me, that I will not detain you longer. I will only say this,—that if the measure before us should pass, and should produce one tenth part of the evil which it is calculated to produce, and which I fully expect it to produce, there will soon be a remedy, though of a very objectionable kind. Just as the absurd acts which prohibited the sale of game were virtually repealed by the poacher, just as many absurd revenue acts have been virtually repealed by the smuggler, will this law be virtually repealed by piratical booksellers. At pre-

sent the holder of copyright has the public feeling on his side. Those who invade copyright are regarded as knaves who take the bread out of the mouth of deserving men. Every body is well pleased to see them restrained by the law and compelled to refund their ill-gotten gains. No tradesman of good repute will have anything to do with such disgraceful transactions. Pass this law: and that feeling is at an end. Men of a character very different from that of the present race of piratical booksellers will soon infringe this intolerable monopoly. Great masses of capital will be constantly employed in the violation of the law. Every art will be employed to evade legal pursuit; and the whole nation will be in the plot. On which side indeed should the public sympathy be when the question is whether some book as popular as Robinson Crusoe, or the Pilgrim's Progress shall be in every cottage, or whether it shall be confined to the libraries of the rich for the advantage of the great grandson of a bookseller who, a hundred years before, drove a hard bargain for the copyright with the author when in great distress? Remember too that when once it ceases to be considered as wrong and discreditable to invade literary property, no person can say where the invasion will stop. The public seldom makes nice distinctions. The wholesome copyright which now exists will share in the disgrace and danger of the new copyright which you are about to create. And you will find that, in attempting to impose unreasonable restraints on the reprinting of the works of the dead, you have, to a great extent, annulled those restraints which now prevent men from pillaging and defrauding the living. If I saw, Sir, any probability that this bill could be so amended in the committee that my objections might be removed, I would not divide the House in this stage. But I am so fully convinced that no alteration which would not seem insupportable to my hon. and learned Friend, could render his measure supportable to me, that I must move, though with regret, that this bill be read a second time this day six months.

Sir R. Inglis said, that he rose with peculiar difficulty, after the speech of his right hon. Friend—a speech filled with illustrations from every page of English literature, and which he alone, perhaps, of the present House could have supplied. He would not enter into the metaphysics as to the origin of property with which that speech commenced. It was enough

for him to say, that the bill on the Table had no reference to it. That bill, whether right or wrong, was not founded on principle, but on expediency. For himself, he never hesitated to state, that he thought that a man ought to have the same property in the productions of his mind as in those of his hands. But this statement was not in the bill or in the speech of his hon. and learned Friend. The bill merely changed the term of twenty-eight years, and the interval between that term and the death of the author, on the one hand, and the term of sixty years calculated from the death of the author, on the other hand. All the arguments, therefore, which were directed with so much eloquence against the proposed law, applied *pro tanto* to the present law. If books could be suppressed for sixty years by the measure of his hon. and learned Friend, they could be suppressed for twenty-eight years under the operation of the actual system. Then, as to prices, his right hon. Friend argued that a book which he now bought for 6d. might cost 5s. under what he called the monopoly. Were publishers the only persons insensible to their own interest? Would not the pirate publisher, as he was called, finding that the original price was 5s., contrive, by underselling it at 4s. 6d. to secure the larger share of profit to himself: would it be a competition between 6d. and 5s.; would it not be between 4s. 6d. and 5s.? And is it for such a fractional difference that you would deprive the families of the great authors of England of their best inheritance? He urged the House to recollect that it was only the great and good authors who would be benefited by the proposed measure. Those who had the best claims on the gratitude of their country alone could profit by the protection which they sought. In the families of Southey, of Wordsworth, and of Scott, many, if not all, their copyrights remained; and it was for the interests of the country itself that its more valuable literature should be encouraged. He trusted that the House would allow the bill to be read a second time.

Mr. Sergeant Talfourd replied. He thought that if the right hon. Gentleman opposite had really cherished those deep and strong convictions that the bill was calculated to inflict those injuries he had mentioned, he would have expressed those

convictions upon some of the many former occasions the subject had undergone discussion. The observations which his right hon. Friend had made, and the doctrine he had laid down with respect to property in works, might be equally urged against all property. It would apply to all who were endeavouring in this transitory life to accumulate property for themselves or their posterity. Was it authors only who had prodigal sons? Might not others have descendants who might dissipate their property? The House might just as well refuse to a Marlborough or a Wellington those honours which their illustrious services entitled them to, because they might, perchance have unworthy descendants. He would, therefore, dismiss that argument as being unworthy of attention. Then, with respect to the supposition, that books would be suppressed. There again the same argument would apply to the twenty-eight years. But he would ask, might not works which the author might desire to suppress be brought forward? Was it no evil to an author, if he had published some immature misconception, or written something of which in riper or maturer years he had repented—was it no evil, that if he had written one line which, “dying, he would wish to blot,” could not blot out when dying, was it not an evil to have that continued before the world? His right hon. Friend had not attempted to grapple with any one of the great examples which had been adduced in support of the bill. He had not grappled with the cases of men like Mr. Wordsworth, who was suffering under undeserved neglect, and who, of too noble a mind to pander to the taste of the public, bided his time, and who found, when he had arrived at a venerable age, his works were beginning to be profitable, that at that moment the profit was snatched from him. Was it not just and noble of the Legislature to aid men who looked beyond the grave, and could see the future in the past? His right hon. Friend supposed that the monopoly would make books dear; but experience had shown that it had no such tendency. The extension of the monopoly from fourteen to twenty-eight years, far from being attended by an advance in the price of books, had rather produced a reduction, and it was natural to expect that it would do so; as books could be produced more cheaply by one press, one set of publishers,

and one set of advertisers than by fifty. He would not have troubled the House at this time with any observations, if his right hon. Friend had not thrown the weight of his authority, the grace of his eloquence, and the fascination of his style into the scale, in opposition to this measure. He, however, thought the voices of Wordsworth, Southey, of Moore and Rogers, of Coleridge, speaking, as it were, from the grave, and of the son of Sir Walter Scott—would weigh against all the powers and genius of his right hon. Friend's address.

The House divided on the original question:—Ayes 38; Noes 45:—Majority 7.

List of the AYES.

Arbuthnot, hon. H.	Hope, hon. C.
Baring, rt. hon. T. F.	Howard, hn. C. W. G.
Bentinck, Lord G.	Litton, E.
Blair, J.	Mackenzie, T.
Briscoe, J. I.	Morpeth, Viscount
Brownrigg, S.	Morris, D.
Buller, C.	Pakington, J. S.
Buller, Sir J. Y.	Parker, M.
Bulwer, Sir E. L.	Pigot, rt. hon. D.
Burr, H.	Polhill, F.
Dalmeny, Lord	Pringle, A.
D'Israeli, B.	Russell, Lord J.
Douglas, Sir C. E.	Sheil, rt. hon. R. L.
French, F.	Stewart, J.
Gaskell, J. Milnes	Strickland, Sir G.
Gladstone, W. E.	Teignmouth, Lord
Glynne, Sir S. R.	Williams, R.
Goulburn, rt. hn. H.	
Greene, T.	TELLERS.
Halford, H.	Talfourd, Sergeant
Hawes, B.	Inglis, Sir R. H.

List of the NOES.

Adam, Admiral	Mildmay, P. St. J.
Aglionby, H. A.	Morrison, J.
Barnard, E. G.	Muntz, G. F.
Bewes, T.	O'Brien, C.
Blake, W. J.	O'Brien, W. S.
Bodkin, J. J.	Ossulston, Lord
Broadley, H.	Philips, M.
Brotherton, J.	Pryme, G.
Bruges, W. H. L.	Rawdon, Col. J. D.
Buller, E.	Richards, R.
Chichester, Sir B.	Salwey, Colonel
Clements, Viscount	Stanley, hon. E. J.
Duncombe, T.	Stansfield, W. R. C.
Dundas, D.	Strutt, E.
Easthope, J.	Villiers, hon. C. P.
Ewart, W.	Wakley, T.
Hector, C. J.	Wall, C. B.
Kemble, H.	Wallace, R.
Langdale, hon. C.	White, S.
Leader, J. T.	Williams, W.
Macaulay, rt. hn. T. B.	Wood, B.
Marshall, W.	TELLERS.
Maule, hon. F.	Warburton, H.
Melgund, Viscount	Hume, J.

MEDICAL REFORM.] Mr. *Hawes* rose to move for leave to introduce a bill to amend the laws relating to the Medical Profession. He felt justified in asking the House to entertain such a measure as this, from having been a member of the medical committee, which sat nearly six years ago, and from having given more or less attention to the subject from that time. The bill sought to obtain three principal objects—a representative body for the general government of the profession, uniformity of medical education, and a system of registration. There were many details which he declined to enter into, inasmuch as many opportunities would be afforded to consider them, and he was aware that to some of them many members entertained objections. He would, however, say, that any amendments not materially affecting these principal objects, sanctioned as they were by many very eminent medical authorities, he should be most ready to carefully and candidly consider. As he had reason to hope that he should be permitted to introduce the bill, he would now simply move for leave, and reserve any further observations for the second reading.

Mr. *Fox Maule* did not intend to oppose the motion. He thought, that some reform with respect to the laws relating to the medical profession in this country, was certainly desirable; and he believed, that in stating that opinion he expressed the feeling of the three great medical bodies in the country—the College of Physicians, the College of Surgeons, and the Company of Apothecaries.

Mr. *Wakley* said, that if the hon. Gentlemen who had last addressed the House were only prepared to support such a measure of medical reform as would have the sanction of the three bodies he alluded to, he would not give satisfaction to the profession or the public. The fact was, those bodies had given to the public the greatest possible amount of dissatisfaction, and it was from that dissatisfaction that the desire for a medical reform which so generally prevailed had arisen.

Mr. *Warburton* concurred in the remarks of the hon. Gentleman, who had just sat down. He thought, that a reform in the three great bodies themselves, and their statutes would be desirable. He would not now go into details, but he hoped his hon. Friend would be more successful in pleasing the profession with his

bill than he (Mr. Warburton) had been with the one which he had introduced at the close of last Session. He felt bound to state, that he should feel it his duty to oppose any bill which sought by coercion to put down irregular practitioners quite as strenuously as he had opposed the Copyright Bill. He would never consent to any provisions authorizing Corporations to drag an irregular practitioner before a single magistrate with a view of putting him down. That was not the method by which irregular practice was to be prevented. The principle had been tried over and over again, and had failed, and he should oppose any bill embodying such a principle.

Lord *John Russell* said, his hon. Friend, the Under-Secretary of State, had been misunderstood. He had not said, that the Government would not agree to any measure of reform, that did not meet with the sanction of the three medical corporations. What he had stated was, that the corporations themselves acknowledged that some medical reform was necessary. He would not now give any opinion on the general subject, but would content himself by saying, that he thought it desirable that some more effectual method should be taken to ascertain the qualifications of medical practitioners, than was taken at present.

Mr. *Halford* challenged the hon. Member for Finsbury to prove any charge of corruption against the medical bodies; and he should like to know to which of them the hon. Member alluded in bringing forward his charge, and when the corruption had taken place.

Sir *R. Inglis* said, the hon. Member for Finsbury had accused the medical corporation of mismanagement and corruption. The question of mismanagement was one that might be fairly discussed, but he should as soon think of charging the noble Lord opposite with corruption as the College of Physicians. He had sat on the Medical Committee, and as far as he recollected no charge of corruption had been brought forward, certainly none had been substantiated.

Mr. *Hume* said, the fault was not in the men, but in the system. Medical reform was a great national object, and the question ought to be taken up by the Government.

Mr. *Wakley* explained, that he had not meant to attribute corruption to any indi-

vidual. He did not mean to say, that any individual had been dipping his hands into the public purse. What he did mean by charging the medical corporation with corruption was this—he meant to say, and he now did distinctly charge them, that in exercising the authority conferred upon them by Acts of Parliament, and by charters, they had legislated dishonestly—that is, that they had legislated for their own benefit, and not for the good of the profession and the public. If any doubt existed upon the mind of the hon. Baronet, he would hold himself responsible when the bill was read a second time, or when he brought in his bill, which he hoped shortly to be enabled to do—to make good his charge.

Leave given. Bill brought in and read a first time

Adjourned.

HOUSE OF LORDS,

Monday, February 8, 1841.

MINUTES.] Bill. Read a second time:—Copyhold Emfranchisement.

Petitions presented. By the Earl of Redesdale, from Wigan, for the Better Observance of the Sabbath.

ROYAL MESSAGE — LORD KEANE.] The Lord Chancellor announced a message from her Majesty relative to Lord Keane, for which see the Commons' report, post page 387.

Message to be taken into consideration the next day.

TRIAL OF THE EARL OF CARDIGAN.] The Earl of *Shaftesbury* presented an additional report from the committee appointed to inspect the journals of the House upon former trials of Peers in criminal cases, and to consider of the proper methods of proceeding in order to bring James Thomas, Earl of Cardigan, to a speedy trial, as follows:—

"That it having been intimated that her Majesty does not intend to be present on the occasion of the trial of James Thomas, Earl of Cardigan, it is the opinion of this committee that no directions shall be given for making those preparations that are usual on the occasion of her Majesty's appearance in that House.

"That it is the opinion of this committee, that during his trial, James Thomas, Earl of Cardigan, shall be allowed a stool inside of the bar, where he may sit uncovered and without his robes.

"That it is the opinion of this committee,

that four tickets be given to James Thomas, Earl of Cardigan, two for the gallery, and two for the space below the bar.

"That it is the opinion of this committee that a room be allowed for the attendants of James Thomas, Earl of Cardigan.

"That it is the opinion of this committee that the judges be allowed to sit covered at the trial of James Thomas, Earl of Cardigan."

Report agreed to.

MR. M'LEOD—UNITED STATES.] The Earl of *Mountcashell* said, he perceived that some correspondence had taken place between Mr. Fox, the British Minister to the United States, and Mr. Forsyth, the American Secretary of State, relative to the arrest and imprisonment of Mr. M'Leod, by the state of New York, on a charge of murder and arson; but no official information had been laid before the House on the subject. It appeared from the public prints that certain members of Congress had spoken in a violent manner—not alone disrespectful to the Government of this country, but in a manner exceedingly harsh and violent towards the accused individual. He therefore felt it to be his humble duty to bring the matter before their Lordships, for the purpose of eliciting some information or statement from her Majesty's Government. At the same time, he much feared that what transpired in that House would not arrive in America in sufficient time to save this unfortunate gentleman, who appeared to be most falsely and unjustly accused. He begged leave to state, that he had the opportunity of knowing, through the means of Captain Drew, that Mr. M'Leod was not present when the schooner *Caroline* was burnt, and that he was, in fact, on shore at the time, doing his duty, in obedience to the commands of his superiors. It would therefore appear, that the persons who came forward with the charge had made a false and unjust accusation. He had, in the hopes of saving the life of a British subject, brought this matter before the House. It was, in a public point of view, a matter of more importance than some individuals might suppose. It was, in fact, very nearly connected with our honour as a nation; and he did hope and trust that the Government would take active and energetic steps to assert, maintain and uphold, the character of this great country. He hoped that they would not, by tamely submitting to insult and wrong, suffer the national character to

sink into contempt. Looking to the hostile feelings that had been manifested in the United States, it was evident to him that if they did not take a dignified position they would be trampled on, and on every occasion insulted wherever they went. In short, there would be no safety abroad for British subjects. He hoped, therefore, that Government would exert themselves for the preservation of the valuable life of this worthy individual, who was now suffering in a dungeon of the United States, and that they would fully vindicate the character of this country. The vessel in question, the *Caroline*, was actively employed during the late troubles in Canada, in assisting those who were armed against British authority. A party of marauders from the United States had, at that time, taken possession of an island belonging to Great Britain; and this vessel was employed in carrying thither men, provisions, and ammunition. The vessel was originally engaged in smuggling between the coast of the United States and Canada. She was next employed in that most illegal act which he had described. Now, he would ask, had she letters of marque, or any other authority, for acting in this manner? She had not. She was as a piratical vessel, and treated as such. If an English vessel were taken on the high seas, without letters of marque or any proper authority for cruising in a hostile way by a French man-of-war, or a Russian man-of-war, would the English Government accuse the French Government or the Russian Government with having acted improperly if a force belonging to them captured such a vessel and hanged her crew at the yard-arm? No; they would say, that such a capture was perfectly defensible. But it would appear that the Americans had one law for themselves and another for other nations, or else they could never think of punishing a man for destroying a piratical vessel. He wished the Americans would act on those principles which we adopted. When, in 1818, the Americans purchased the Floridas from Spain, and found themselves engaged in a war with the Seminole Indians, did not General Jackson, when he found in one of the forts that were captured, two English subjects, order them to be executed? He did; and this Government did not interfere, because those parties were acting in a hostile capacity, without any authority whatsoever.

The noble Lord concluded by asking whether any information had been received from Canada of the capture and detention of a British subject in the State of New York, upon a charge of murder, and on suspicion of being one of those who had been engaged in the destruction of the *Caroline* steamer, and, if so, what steps her Majesty's Ministers intended taking in consequence?

Viscount *Melbourne* would answer the question without entering into the facts and arguments with which the noble Lord had prefaced it. Her Majesty's Government had certainly received information that an individual of the name of M'Leod had been arrested by the authorities of the state of New York, and by them committed to prison to take his trial upon a charge of murder and arson, which it was stated he had committed upon the occasion of the seizure and destruction of the *Caroline* steamer. Upon hearing this Mr. Fox, our Minister at Washington, demanded his liberation from the General Government, and received for reply, that the matter entirely rested with the authorities of the State of New York, and that it was neither in the power nor the inclination of the Federal Government of America to interfere. That was the way in which the matter stood at present. What her Majesty's Ministers meant to do their Lordships would not expect him then to state. At the same time, the noble Lord might be perfectly sure of this, that they would take those measures which in their estimation would be best calculated to secure the safety of her Majesty's subjects, and to vindicate the honour of the British nation.

Adjourned.

HOUSE OF COMMONS,

Monday, February 8, 1841.

MINUTES.] NEW MEMBERS.—Hon. George Percy Sydney Smythe, for Canterbury.

NEW WRIT.—FOR RICHMOND, *Vice* A. Spiers, Esq., Chiltern Hundreds.

Bills. Read a first time:—Court of Exchequer (Ireland); Tithe Composition (Ireland).

Petitions presented. By Mr. Hawkes, Mr. Heathcoat, Mr. Hodges, Mr. Halford, Sir Francis Burdett, Mr. T. Duncombe, and Lord Lowther, from Tunbridge, Finsbury, Lulworth, St. Leonard's, Shoreditch, Dudley, Tiverton, and other Unions, against the Continuance of the New Poor-law Bill.—By Mr. Sheil, from Carrick-on-Suir, against the Bill for Amending the Registration of Voters (Ireland, No. 1).

ROYAL MESSAGE—LORD KEANE.]

Lord John Russell delivered a message from the Crown to the following effect—

“Victoria R.

“Her Majesty taking into consideration the great and brilliant services performed by John Lord Keane, a Lieutenant-General in her Majesty's army, late commander of her Majesty's and the East-India Company's forces at the Presidency of Bombay, during his command of the army engaged in the expedition to the westward of the Indus; and being desirous to confer some signal mark of her favour, for these and other distinguished merits, upon the said John Lord Keane and the two next surviving heirs male of the body of the said John Lord Keane, recommends to the House of Commons to adopt such measures as may be necessary for the accomplishment of this purpose.

“V. R.”

MR. M'LEOD—UNITED STATES.] Lord Stanley seeing the noble Lord, the Secretary for Foreign Affairs, in his place, rose for the purpose of putting to him the question of which he had given notice the other evening. That question was one of so important a nature, especially at a period so critical as the present, that he was compelled to preface it by such a statement of facts as he believed the laws of the House permitted him to make. He could assure the House, that beyond that he did not wish to go one single step, and he was confident that the right hon. Gentleman in the Chair would have the kindness to stop him if he abused the liberty which the House accorded. It would be in the recollection of the House, that in the latter period of 1837, at a time when by the gallantry of the troops, both of the line and the militia, rebellion had been put down in the province of Upper Canada, and not a single rebel in arms was left within that province, a band of men, consisting partly of Canadians and partly of American subjects, was organized and armed within the frontiers of the United States. They possessed themselves of arms by seizing on the arsenals, the property of the United States, and in open day took possession of an island lying in the Niagara river, the property of her Majesty, to which they transported, also in open day, arms, the property of the United States, ammunition and stores, the property of the United States, and brought frequent reinforcements of men, in order to make their position strong. From that position, and with those means, they for a considerable

time fired upon the inhabitants of the Canadian frontier at not more than 600 yards distance, and upon boats passing up and down the river. This band, thus posted, was supplied on more than one occasion by a schooner from the American frontier, which they had chartered for that express purpose, with arms, ammunition, and reinforcements. On the night of the 20th of December, that schooner having been so employed, during the day of the 20th, a body of men, by authority of her Majesty, and commanded, or, at least, under the orders of Mr. M'Nab, Speaker of the House of Assembly of Upper Canada, who at that time commanded the militia of the province, and was active on behalf of her Majesty, attacked the schooner, lying, undoubtedly, moored by the American shore, and having boarded her, and found it impossible to carry her away, in consequence of the rapidity of the current, set fire to her, and suffered her to fall down the Falls of Niagara. Representations relative to that proceeding were immediately made by the authorities of the state of New York to the President of the United States, and a counter-statement was at the same time made by the British authorities of Canada, through the medium of Mr. Fox, our Minister to the United States. In consequence of the conflicting nature of the evidence then presented, the President communicated with Mr. Fox, and furnished him with the evidence forwarded to his Government by the United States authorities, in order that it might be laid before her Majesty's Government, with a demand for reparation for that which they characterised as an outrage upon the neutrality of the American territory. The counter-statement of the Canadian authorities was in like manner made the subject of a strong counter-representation from her Majesty's Minister at Washington. The whole correspondence, in the course of the months of January and February, 1838, was transmitted for the consideration of her Majesty's Government, with the demand for reparation to which he had referred. He believed, that after that period they had no information furnished from the Foreign-office of any transactions on this subject. The Colonial-office, in 1838, and at subsequent periods, had laid before the House various papers, among which were the proceedings of the House of Assembly, and of her

Majesty's Lieutenant-Governor of Upper Canada. In their public despatches they strongly supported the view taken by the Canadian authorities, and spoke in terms of the highest approbation of those who had attacked and sunk the schooner. He believed, that the public generally considered this question between the two countries as fairly settled, but on the 12th of November last he was given to understand a gentleman named M'Leod, who had belonged to the service of her Majesty, and had filled in Canada the situation of sheriff of a county, who had taken an active part in repelling invasion from the province, but who, as far as he (Lord Stanley) was able to learn, had taken no part whatever in the affair of the *Caroline*, was seized in the state of New York by the authorities on a charge of murder and arson, was committed to gaol for an act done under the sanction of the Canadian authorities, to repel the invasion of the Canadian territory, and under the immediate command of the gentleman to whom the military force of the province had at that time been intrusted. Mr. M'Leod was apprehended and was about to be tried by a jury of the State of New York. He hoped he was stating facts correctly; he did so without making any comments, and if he were not correct, he hoped the noble Lord would set him right. In the month of January, Congress, on its meeting, applied to the President to lay before them any communications with the British Government in reference to this subject. In doing so, the President, among others papers, laid before them a strong remonstrance which Mr. Fox had felt it to be his duty to make as a British minister, and the representative of his sovereign against the apprehension of a British subject for an offence, if offence it were, which had received the sanction of the British authorities, and which, at that moment, was under the consideration of the two Governments, and had been, for three years, the subject of negotiation between them. The President, in answer, refused altogether to admit the demand of Mr. Fox, for the liberation of Mr. M'Leod, partly on the ground that the Federal Government, in such cases, had no power to interfere with the authority of the several independent states, and also on the ground that, if it possessed such power, and had the right to interfere, the case stated by Mr.

Fox was not one in which it would exercise it, inasmuch as questions of international right between the general governments of the two countries in no degree interfered with the administration of justice by the several states of the union. Mr. Fox closed the correspondence by the strongest expressions of regret at the views which the President had taken upon the matter. He said he was not authorized to express the views of his Government; but, on his own part, he made the strongest protest in his power against the views of the American Government, and without loss of time, would lay the whole before her Majesty's Government for its opinion. This then was the position in which the matter at present stood:—A British subject was arrested in the month of November; the assizes will take place during the present month, February; and at this hour (and that was his vindication for interfering, in any degree, in a matter on which communications have taken place between two great nations, which are now in a very critical state), at this moment, the life of a British subject might be in jeopardy, in consequence of his having acted in defence of his native country, and under the orders, and by the authority of the military powers of this country, to whom he was compelled to give obedience in repelling invasion and rebellion. The questions he wished to put to the noble Lord were, inasmuch as this negotiation commenced so early as January, 1838, whether the noble Lord had any objection to lay on the Table of the House the correspondence between her Majesty's Government and the United States, relative to the destruction of the schooner *Caroline*, on the night of the 20th December, 1837? Whether the noble Lord had received the despatches of Mr. Fox referred to in the recent accounts from the United States, dated 20th September, which Mr. Fox stated he had transmitted to the Government at home, (and which he presumed the noble Lord had received, he having acknowledged despatches up to the 8th February) relative to the apprehension of Mr. M'Leod? Whether her Majesty's Government had taken any, and if so, what steps, for the protection of Mr. M'Leod, and whether the noble Lord would lay upon the Table of the House the correspondence upon that subject between the Government at home, the British representative at Washing-

ton, and the representative of the United States?

Viscount *Palmerston*.—I must confess the noble Lord has adverted, with great discretion, to a subject of extreme interest, and which, from its great delicacy, involving considerations of a very grave nature between the two countries, I am sure the House will feel should be touched upon with great reserve, either by the noble Lord, or by myself, in my answer. Now, as to the statement of the noble Lord, with respect to the occurrences which led to this matter, it is strictly, as far as my memory serves me, correct. I will first answer the questions the noble Lord has put to me, and afterwards say one word in explanation of the transaction. I think it is not expedient in the present state of the discussion between the two Governments as to the seizure and destruction of the *Caroline*, to lay on the Table that correspondence. Whenever it is brought to a close, of course there can be no objection to do so. Her Majesty's Government having received within the last few days despatches from Mr. Fox, and his correspondence with the authorities of the United States, which correspondence has been furnished to the public in the American papers, there can be no objection to lay before Parliament those papers that are already before the public. But it is a departure from what I consider an important rule in regard to international affairs, and one which may operate injuriously to national interests to lay before Parliament documents relating to pending discussions; but, as I have before said, some of those having been already furnished, as respects them there can be no objection, I think it important to make, with reference to the note of Mr. Forsyth, one observation. The noble Lord said, he believed Mr. M'Leod was not one of the party by whom the *Caroline* was attacked. My information goes precisely to the same conclusion; but with regard to the ground taken by Mr. Forsyth, in reply to Mr. Fox, I think it right to state, that the American Government undoubtedly might have considered this transaction either as a transaction to be dealt with between the two Governments, by demands for redress by one, to be granted or refused by the other, and dealt with accordingly; or it might have been considered, as the British authorities consider proceedings between American citizens on

the British side of the border, as matter to be dealt with by the local authorities. But the American Government chose the former course, by treating this matter as one to be decided between the two Governments, and this is the ground on which they are entitled to demand redress from the British Government for the acts of its subjects, and from that ground they cannot now be permitted to recede. I assure the House that on a matter of such extreme difficulty, it would be improper for me to enter into further remarks or observations, and I shall therefore content myself with answering the noble Lord's questions by this statement of matters of fact.

Lord *Stanley*.—I apprehend that the noble Lord has not correctly understood my questions—for one of them, and that the most important, he has not answered. That question was, whether the Government had taken any, and if so, what steps, for the protection and liberation of Mr. M'Leod?

Viscount *Palmerston*.—It was my intention to have answered that question of the noble Lord before I sat down, but it escaped my memory at the moment. I may state that a case somewhat similar in principle to the present was expected to take place a year and a half or two years ago, and at that time instructions were sent out to Mr. Fox, on which were founded some of the communications lately made by him to the American authorities. Of course, the House will, I trust, suppose that Her Majesty's Government will send—they have, indeed, sent—certain instructions; but till we get the conclusion of the correspondence it is impossible to send final instructions. I trust the House will believe the Government will send such further instructions as they may think consistent with their duty, but I am not prepared now to state formally what those instructions may be.

Mr. *Hume* wished to ask a question of the noble Lord the Secretary for Foreign Affairs, but as the noble Lord had made a speech on the subject, he must first beg of the House to suspend their judgment until they had before them the whole of the papers on the subject. The question he wished to ask was this:—It appeared by the papers which he had in his possession, that in January, 1838, a motion was made in the House of Representatives, calling upon the Government to place on

the table of the House all the papers respecting the Caroline, and in consequence of that motion certain papers which had been received from Mr. Stevenson, had been laid on the table of the House on the 15th of May, together with a letter from that gentleman. In that letter the allegations as to the attack by the Caroline were denied, and he (Mr. Hume) had seen a letter from Mr. Stevenson, in which he stated that no answer had been given to his application in 1838, and he begged to be informed whether he should urge the matter on the attention of the British Government, for the American Government did not yet know whether the enterprise against the Caroline was to be considered as sanctioned by the British Government. What he wanted to know from the noble Lord was, what were the instructions of Mr. Stevenson upon which he had acted? He must again express a hope that the House would suspend its judgment on the question until all the documents were before it.

Viscount Palmerston said,—I rather think that my hon. Friend will find in that correspondence that instructions from the American Government were given to Mr. Stevenson to abstain from pressing the subject. With regard to the letter of Mr. Forsyth, I beg leave to say, that the principle stands thus:—In the case of the American citizens engaged in invading Canada, the American government disavowed the acts of those citizens, and stated that the British authorities might deal with them as they pleased, and that they were persons who were not in any degree entitled to the protection of the United States. But in the other case they treated the affair of the Caroline as one to be considered between the Governments, and not to be left upon the responsibility of individuals. Until, therefore, the British Government disowned those persons, as the American government disavowed their citizens in the other case, the American government would have no right to change its ground upon the question.

Sir R. Peel wished to ask the noble Lord the Secretary for the Colonies one question as to a matter of fact; it was, whether there were not officers of Her Majesty's army and navy engaged in the affair of the Caroline, and wounded in that service; and further, whether they had received the same pensions as they would have received if they had suffered such wounds

in the service to which they regularly belonged?

Lord J. Russell said, he had understood that officers of Her Majesty's army and navy were employed on that occasion, under the orders of the colonial authorities, and that some of them were wounded in that service; but he had not heard that they had received any pensions.

PERSIA.] Sir R. Peel wished to put to the noble Lord the Secretary for Foreign Affairs the question of which he had given notice on a former evening. Before he did so, he wished to call his attention to passages in the speeches from the throne at the opening of the sessions in the years 1839 and 1840. In the speech of 1839 there was this passage:—

"Differences which have arisen have occasioned the retirement of my Minister from the Court of Teheran. I indulge, however, the hope of learning that a satisfactory adjustment of those differences will allow of the re-establishment of my relations with Persia upon their former footing of friendship."

The subject was again alluded to in the speech from the throne in 1840, in these terms:—

"I have not yet been enabled to re-establish my diplomatic relations with the Court of Teheran, but communications which I have lately received from the Persian government inspire me with the confident expectation that the differences which occasioned a suspension of those relations will soon be satisfactorily adjusted."

The right hon. Baronet was proceeding, when

Mr. O'Connell rose. He begged the right hon. Baronet's pardon for interrupting him, and hoped he would be excused by the consideration that the subject just now before the House ought not to be left as it was. The life of Mr. McLeod was at stake, and he was sorry that his hon. Friend (Mr. Hume) had interfered, for he thought that there ought to be expressed in that House an opinion that Mr. McLeod should be saved, as he acted under the command of the officers of Her Majesty's Government—in fact, under the command of Her Majesty. Whether Mr. McLeod was right or wrong, the House ought to declare that it was prepared to assist the Government in preserving him.

Mr. W. S. O'Brien next rose to address the House, but there was a general cry of "Order," "Chair."

Sir *R. Peel* resumed. He referred to the extracts which he had read for the purpose of asking the noble Lord the Secretary for Foreign Affairs, whether he could lay before the House any communication to show that the "differences" there alluded to had been, or were likely to be, "satisfactorily adjusted," and whether we were likely to be soon enabled to renew our friendly relations with Persia.

Viscount *Palmerston* was sorry to say, those differences had not yet been finally and satisfactorily adjusted. The right hon. Baronet and the House were aware that they had made certain demands on the Persian government for the redress of certain wrongs for which they considered themselves entitled to reparation. Many complaints consisted of acts of ill-treatment of persons attached to British missions, or of British officers in Persia; and another ground of complaint was, that Persia still maintained possession of a city which belonged to the Indian territory. On the several points of individual grievances they had received explanations and assurances which, if they did not amount altogether to a literal fulfilment of the demands, yet appeared to them such as the Government might, without derogating from the honour of the country, say they had received sufficient satisfaction. It was on the territorial claims alone that there lay any differences between the two Governments. But while those matters remained unsettled, the mission from this country to Persia, which had retired to and were still at Erzeroum, could not, according to their instructions, proceed to Teheran.

Sir *R. Peel*.—Those differences have been pending now three years. Would the noble Lord have any objection to lay before the House the communications which have passed on the subject?

Viscount *Palmerston* had no objection to the production of the documents referred to.

POOR-LAW COMMISSION.] Lord John Russell moved the second reading of the Poor-law Amendment Bill.

Mr. *D'Israeli* felt conscious that, of many of those great measures which had excited the most elaborate discussion, and the most strenuous opposition in that House, the result had seldom answered either the hopes of their promoters, or realised the fears of their opponents. Ge-

nerally speaking the common sense and good feeling of the community developed certain remedial qualities, when such laws were in practice, which produced a middle effect to what had been intended and are much more beneficial. It was desirable to ascertain what influence in the case of the new Poor-law had prevented the development of these remedial qualities. On several occasions taunts had been thrown out against hon. Members in that House, who had been loud on the hustings against the Poor-law, but discreetly silent upon the question when in that House. He should discuss the subject in a firm yet temperate tone. He was well aware, that under the new system, as indeed under all systems whatever, some instances of oppression and neglect might occur; but he wished to address himself to what he conceived were the leading principles of the new law—principles upon which the details must all more or less necessarily depend. He wished to see whether the noble Lord had profited, as society had, by the experience of the last six or seven years, and whether it was the intention of those hon. Gentlemen who had supported the new law, to join with the noble Lord and lend their aid to carry the present amendment of it. Unquestionably one of the most important features of the law was the union of parishes. It was a proposition that was met with considerable discussion when first brought before the House and the country. For his own part, however, he did not think it had met with the attention that the importance of the subject deserved. The union of parishes was, in fact, a total revolution of the ancient parochial jurisdiction of England. That jurisdiction was the most ancient in the country, much more ancient than the political jurisdiction, one which bore a much nearer affinity to the lower classes of society than any political forms which they could possibly invent. He thought that the alteration in this respect was, in point of fact, as great a social revolution as had ever occurred. There were many reasons given at the time for a measure which was generally considered as one of a very strong character. Necessity was the plea by which it was supported; they were told that they could never obtain an efficient and economical management of the poor without the union of parishes. It was then said, and it might be said now, that the abuses of the old system, which were never denied, grew out of circumstances which did not depend upon the size of the parishes. It was on

that occasion particularly pointed out to the House, that the reform of the old system had commenced in England already, and had proceeded to a considerable extent for many years before the Government thought of interfering. Many parishes were quoted in the original reports; and in the first papers that were placed before Parliament, several instances were adduced of parishes, which had commenced and perfected the self-reformation with the most complete success. It was alleged by the Government, that if they left this reformation to the parishes themselves, it would most probably fail; or that if it succeeded, its progress must be slow. It was replied, that it was better and more in unison with the constitution that self-reformation should accompany self-government. There were some who thought the Government should not interfere; and so far as domestic policy was concerned, there was nothing of great benefit, or that was vast and comprehensive in character, in the social system, for which the country was indebted to the Government. Government did not institute the system of national education—did not institute the universities—it did not create our colonial empire—it did not conquer India—it did not make our roads or build our bridges. It did not, even now that it was interfering with everything, make our rail-roads. In the case of the Poor-law the Government, however, did interfere, and they terminated the old parochial constitution of the country. It was certainly impossible, although it might not possess the individual interest of what was called a political revolution, to conceive a revolution which exercised a greater influence upon the people at large. What had been the consequence? If they had not, in passing the Poor-law, outraged the constitution or violated the law, they had done that which he conceived was of greater importance; they had outraged the manners of the people, and he doubted whether any pecuniary or financial consideration could weigh against that. But had they gained that pecuniary advantage? They had destroyed the parochial constitution of England for a mere sordid consideration, and they were placed in the miserable condition of not having attained their object. It was a matter of notoriety that the sum levied upon the people of England, by way of poor-rate, had, in the year just terminated, increased by one million two hundred thousand pounds. Let them add that sum to what had been expended last year;

let them consider the increase of the county rates, in the first place, and the universal promise there was in every parish of an increased poor-rate for the forthcoming year, and he would ask whether any man would be bold enough to say that two years hence the expenditure for the poor would be less than it was two years before the present law came into effect? He had taken that term because the commissioners, in the average they formed, had omitted the year immediately preceding the commencement of the law. The practical consequence would be, that they would have to pay as much as under a system of abuse, while they had lost those advantages which in some cases compensated for abuse. The next great feature of the present law was what the union of parishes necessarily led to—the formation of union workhouses. That portentous creation of reform legislation, which certainly had not been equalled in any country, was of course the necessary consequence of the union of districts. He knew well that it was easy to declaim about the statute of Elizabeth; but he was not disposed at that moment to avail himself of any *ad captandum* argument. He wished to discuss the subject in a tone of calm deliberation, and to mark his dissent from the opinions of the noble Lord dispassionately, and he hoped distinctly. On the present occasion, therefore, he should not lay much stress on the statute of Elizabeth—a statute which, as it involved principles which all must venerate, could only be spoken of with respect, but which did not very clearly prescribe the mode in which the principles involved in it were to be carried into effect, nor were its provisions, perhaps, quite consistent with the modern habits of the people, or with those principles of trade with which we were perhaps better acquainted than our predecessors. But to suppose for a moment that in a highly civilized country the poor population could be controlled and managed by shutting them up in prisons, was to suppose that which was contrary to every principle of humane society. No other term than that of imprisonment could be given to the confinement which the poor underwent in the union workhouses. It was impossible to immure a class of people in a single building, without adopting a system of discipline which, as far as those people were concerned, was attended with every circumstance of disgrace. What, then, had the Legislature obtained by taking the poor population of England,

and immuring them in buildings which had all the character of prisons, and, submitting them to a course of treatment which, after all, could only be extended to criminals. What practical effect had the Legislature obtained by this harsh proceeding? Had they reduced the vast expenditure for the maintenance of the poor, of which they had previously so much complained? On the contrary, they were fast approaching to the maximum of their old expenditure; the project, as far as economy and thrift were, concerned had proved a failure; the rates for the maintenance of the poor had not diminished, and the poor themselves were rendered unhappy and discontented. Then the next great feature of the new law, as compared with the old, was the establishment of a superior central and supervising authority. It had always been maintained that it would be utterly impossible that the new law could be carried into effect unless there were established such a central control as should be independent of all local circumstances and interests; without which it was said there could be no security for a strict and perfect fulfilment of the law. He (Mr. D'Israeli) confessed that he thought that argument unanswerable. He thought it absolutely necessary, upon the introduction of so great a change as that contemplated by the new Poor-law Act, that there should be somewhere or other a great controlling influence; but he did not think it by any means followed as a necessary consequence that that controlling influence should be seated in the metropolis. There did not appear to him to be the slightest reason why the controlling power should not be local as well as central—there did not appear to him to be the slightest reason why it should not be seated in the chief city of a district or in the county town—there did not appear to him the slightest reason why the noble Lord, in the establishment of this controlling power, should have departed so widely from those principles of self-government, to which on certain occasions, he professed some partiality. In short, every argument appeared to him to be in favour of the controlling power being local. There was not one argument against it. It was to the distance of this supreme authority to which he ascribed the absence of that softening and remedial practice of the law, the absence of which was very generally regretted. These were the great features of the present law, to which he and many others objected, thinking that they involved arrangements

which had produced great general unhappiness, and that they had not produced the beneficial effects anticipated from them; the only practical benefit in fact expected being the reduction of expenditure, which, as he had already stated, the measure had totally failed to effect. He, and those who thought with him, were further of opinion, that the controlling influence which had been decided as necessary to the working of the measure, might also be made local as well as the board of guardians—that it was more natural that the population of a county should be under the control of the chief persons of the county, rather than under the control of a body of persons appointed by the Government, and holding their board in a distant metropolis. In the bill now brought forward by the noble Lord, he naturally looked to see whether these three principal regulations, of which he so strongly disapproved, were removed or modified. What did he find? He found, that with regard to the union of parishes, instead of any modification of that unseemly feature of the existing law, it was proposed that there should be not only unions of parishes, but unions of unions—that the few remaining fragments of our parochial constitution were now to be completely destroyed, and that the remnant of those ancient local institutions which still exercised some influence over society, were to be rudely and violently swept away. He found, too, that instead of the union workhouses, to which, as he had already stated, so many objections existed, a series of clauses were introduced into the bill now brought forward, under which the pauper population, instead of being confined in a house within a comparatively narrow district, might absolutely be transferred from one distant county to another. Yes, for ought he knew, the paupers of Buckinghamshire and Kent might be seized and marched away to the remotest parts of Lancashire or Yorkshire. By the bill now proposed a power was given to farm out the pauper population. Not content with immuring them within the walls of a union workhouse, there was now to be a power of transporting them from one part of the kingdom to another. In short, all the bad features of the existing law, as regarded the union of workhouses, were in the bill now introduced, retained and aggravated. Then with regard to the great principle, which he had always opposed, namely, the central and controlling power, no man could deny that

under the bill now before the House, the commissioners at Somerset-house might, and possibly would, obtain a power which never had been exercised by any Parliament of England in any period of our history. If this really were the state of the case—if the noble Lord had not in either of these three great divisions of the subject condescended to modify the regulations which were considered so objectionable—if, instead of modifying them, the noble Lord proposed to extend and aggravate them—the noble Lord certainly must not be astonished if he should meet with some considerable opposition. There was yet another objection which had been urged against the measure, and in which he (Mr. D'Israeli) confessed he participated. The tendency of modern legislation had undoubtedly been to centralise authority. He should be very sorry on that occasion to indulge in any vague declamation against centralisation. He admitted that it was in some degree the necessary consequence of advanced and progressive civilization. He thought, also, that in some instances it tended to the convenience of society. But at the same time he was strongly of opinion that the Legislature, when it established a centralisation of authority, should be always cautious to confine it to subjects of a merely material character. As regarded such subjects as the education of the people in a country like England, where sectarian views existed to so wide an extent, or the support of a pauper population in a country where the labouring classes depended so intimately, and by so many ties, upon those who were superior to them—as regarded such subjects, he thought the Legislature ought to be most jealous of any centralisation of authority. He knew well that the noble Lord had acted on a different system. He knew that the noble Lord had defended with considerable ability the centralising spirit of the present age; but he believed that the liberties of this country were mainly dependent upon the wide distribution of privilege and duty; and he thought that the immediate tendency of the new principle of legislation recently adopted in this country had been to destroy general privilege, and to decrease general duty. Undoubtedly it might be much more convenient—undoubtedly it might even turn out to be more cheap, that we should have a government in the metropolis which should discharge the duties of society. But he begged the House to

consider whether the consequence might not be, that in making the government strong, society might be made weak; whereas, the great boast in this country had been that society was strong and government weak. It was for these reasons that he opposed the pauper legislation of the present Government. He thought that it was founded on principles perfectly hostile and adverse to the character, the manners, and the spirit of the people of this nation. He thought that it was originally prompted by a mere financial consideration, which, in practice, had utterly failed. He thought that it had produced an immense mass of disaffection. He believed it to be the source of more discontent even than the turbulent spirit of party politics—he believed it to be the prime and secret cause of many of the outbreaks that had taken place in the country since it had been in operation. He was sure, if the House persisted in this system, they would obtain neither of the ends for which they worked: they would neither keep the people quiet, nor make their maintenance cheap. Entertaining these views upon the subject, he felt bound to move, as an amendment, that the bill be read a second time that day six months.

Mr. Wakley, in seconding the amendment, begged leave again to express his surprise that the noble Lord the Secretary for the Colonies, should have proposed to the House a bill of such vast importance without explaining fully and completely the grounds upon which the proposition was made. The bill which the noble Lord had presented to the House consisted of two portions; the first portion was framed for the purpose of continuing the Poor-law commissioners for ten years; and the second portion was framed for the purpose of giving to that commission whatever powers it might think proper to exercise. He believed that the House was itself ignorant of the principles which the bill originally designed to carry into effect. He referred, of course, to the Poor-law Amendment Act, not to the bill now before the House, although the principles of the second were in fact identical with the first. He was emboldened to express this opinion from a remark which fell from his hon. Friend the Member for Kilkenny, (Mr. Hume). When the Poor-law Amendment Bill was first introduced into that House by Lord Althorp, the motion, he believed, was seconded by his

hon. Friend the Member for Kilkenny. The other night, in the discussion which took place on the motion of the noble Lord for continuing the commission, his hon. Friend, in the remarks which he then addressed to the House, said "he believed that the very object and principle of the Poor-law Amendment Act was to make a distinction between vice and profligacy with reference to the destitute poor, and those who were reduced to a state of destitution by misfortune." That, he believed, was a true statement of the observation made by his hon. Friend. If that were the object of the bill—if that were the principle—the enlightened, generous wholesome principle of the bill, calculated at once to do justice to the poor and to relieve the burdens of the rate-payer—if that were the real and true principle of the bill, who, in the whole empire, would be found to condemn it. But what was the answer given to his hon. Friend? What was his hon. Friend told by the noble Lord who brought forward the motion for leave to introduce the present bill? His hon. Friend was speedily undeceived, was speedily informed that he had completely mistaken the object of the bill. The noble Lord, with that manliness of character which distinguished him (however mistaken his views might be, and upon this subject no man's views could be more mistaken), boldly and undauntedly declared to the House what really was the object of the Poor-law Amendment Act. And what was that object? What was the object recognised by the senate of this nation? What was the object recognised by this great empire of England, which boasted of its institutions, its wealth, its science, its liberality, its military and maritime power, and of its vast commercial resources? What was the object contemplated and boasted of by the first minister of the Crown in that House as the leading object of the measure introduced for the amendment of the Poor-law? He invited the attention of the House to the declaration of the noble Lord upon that point, because it was calculated to remove from the public mind every thing in the shape of confusion or misconception with respect to the object of those who were concerned in the enactment of the existing law. In order to prevent misconception or error, he would with the permission of the House, read the words that fell from the noble Lord on the occa-

sion to which he was referring. The noble Lord said—

"He differed very much from his hon. and learned Friend who spoke on the second bench (the hon. Member for Tynemouth), in thinking that a distinction should be made in favour of merit. He thought it most unreasonable that any board should pretend to say what was meritorious. All that the public could do in the shape of relief was to adhere to the wise and good principle of the act of Elizabeth, that no poor person in the country should be allowed to starve." [*Cheers.*]

Yes, continued the hon. Member, those cheers of approbation are from the Liberal side of the House. This morning I really thought I did not understand the meaning of the word "liberal," and in order to find the true meaning of it, I examined "Todd's Johnson;" but I could find nothing akin to the feeling that seems to prevail on this side of the House. The meaning of the word, as given by the lexicographer, is "generous," "magnanimous," "noble yielding." The dictionary further informs me that it is "the opposite of parsimonious," yet parsimony in its very essence is cheered on this side of the House. "The poor," says the noble Lord, "are not to starve." That is to be the object of your law, and that is all that your law is to effect. Whip them once a fortnight, confine them in a gaol, and never allow them to go out by permission; clothe them in a dress which marks them as the receivers of alms, but do not "allow them to starve!" and then you are good and just, and that is the "liberality" which the people are to receive from a Reform Ministry and from the Reform side of the House. I have never since I have been in this House acted as a party man. No; I have never fastened myself to the chariot wheels of party. Faction has been the curse of this great country. England and Englishmen have been persecuted for many years through the influence of faction. I have seen too much of the evils of faction ever to bind myself to any Ministry, be its professions what they may. But this I do say, if the present ministry hope to obtain the confidence of the people, and to be entitled to the support of the people, they must not ask the House to enact such bills as are now before it with reference to the new Poor-law. And in the name of the poor people of England—in the name of the working people, the labouring people of England—I am compelled,

in this instance, to make my appeal to the great and influential Conservative party ranged on the opposite side of the House; and I pray to God that that party, with its might and influence, and, I trust, its good intentions, will come forward in this instance to the rescue of the working men of the kingdom. I say that the great landed aristocracy of this nation are the natural leaders of the poor [*cheers and laughter from the Ministerial side*]. There is again a cheer and whisper on this side of the House. The manufacturers, who ask for a repeal of the Corn-laws, do not like the remarks I am making, well knowing that the reduction of wages must be relative to the reduction in the price of bread. The hon. and learned Member for Dublin (Mr. O'Connell) exclaims "oh;" and I am surprised that the truth should make him groan; but it seems to have that effect upon him. I say that the manufacturers well know that wages must be relative to the quantity of food in the market and the amount of demand for labour. I say, then, that I make my appeal to the great Conservative party. The "Liberal" party in this House are attached to the noble Lord (Lord J. Russell)—they confide in the noble Lord—they have some reason for confiding in him, for he never deceives them; and now he tells them boldly and candidly that his sole object is to prevent the poor from starving. The Poor-law commissioners made a report upon this subject in December last. Now how was that report obtained? Of course I am not in the secret, but I should fancy that it was procured something in this way: the noble Lord with that thoughtful consideration which sometimes actuates a Minister, writes a kind note to these gentlemen at Somerset-house, and says, "Gentlemen, you are in danger; the time of your commission is nearly out (I do not know that such a note was actually written, but I should guess it was)—can't you write a report showing that you ought to receive your salaries for ten years to come? Now be ingenious, exert yourselves to the utmost, see what you can effect by way of illustration of your argument." Acting upon this hint, the commissioners, of course, set to work without loss of time, and they have a great number of handy, competent men about them, selected and employed by them—not because they are humane, but because they are clever and

tractable. Aided in this manner, a report was soon concocted and presented to the noble Lord, who at once says; "I think you have made out a case; now frame a bill and send it to me." Well, a bill is accordingly framed in Somerset-house, and sent to the noble Lord, which with all due gravity he presents to the House. The commissioners in their report show him, of course, that nothing on earth can be so effectual as their labours—that they ought to continue for ten years to come, or, in fact for ever; that the bill which they desire to pass will relieve them from all difficulty, and enable them to carry out every object which they believe the Legislature at first contemplated. All this is managed in a country which boasts itself of its good sense, its freedom, its sagacity, its wisdom, and its foresight. Is there the parallel of it on record? Did any one ever before hear of a set of public men being called upon to make a report in reference to their own conduct, in order to enable the Government to judge of the expediency or propriety of continuing them in an important office? Yet that has been done in this case. And what is the nature of the report which the commissioners have made to the noble Lord? One of the passages most characteristic of the whole contains this startling announcement: "The paupers who receive the relief at the hands of the guardians, do not display a spirit of gratitude." I dare say the Members of this House know very well how the paupers confined in the union workhouses are fed—how treated. Is it not marvellous that human creatures under such circumstances should display no "spirit of gratitude." Incredible as it may appear, we have it upon the authority of the commissioners, that the poor are actually so dead to all the feelings that ought to swell their bosoms, as to evince no "gratitude" for their treatment. Why, Sir, I deny that gratitude ought to be expected, much less demanded of them. Nay, I say more—I say that those who do expect gratitude from them are not qualified to carry out the Poor-law. Are the paupers of this country slaves? Have they lost every right of Englishmen because they are poor? Is this doctrine to be held and maintained in a Christian land—that, because men are poor, therefore they are to sacrifice every independent thought and feeling. But "the paupers show no gratitude." I say that the expression of grati-

tude is not called for. I say that they ought not to be required to show gratitude. By what right do they receive the relief afforded to them? By a right conferred by Parliament. Then I say that the right of the poor to demand relief is not less strong than the right of any Gentleman in that House to hold the land which belongs to him, the right in both cases being derived from the same source—the law of the land. The law has given to the poor and destitute the means of subsistence; I deny therefore that the poor man, under such circumstances, should be called upon to show gratitude to those who administer parochial relief to him. The hon. Member proceeded to observe that the Poor-law commissioners had referred to a commission of inquiry instituted before the new Poor-law was established, and which made out a case for the amendment of the law. Far be it from him to contend that the administration of the 43d of Elizabeth had been just, discreet, and sound; he was contending for no such thing. He believed that the administration of that law under a variety of circumstances was in the highest degree objectionable. He thought that in many cases it was most unjust, not only to the deserving poor, but to the rate-payers. He thought that nothing could be more unwise than the manner in which it was administered in many places; but at the same time he did not feel himself called upon to support the proposition which was made to amend it. Now, when reference was made by the commission of inquiry to the manner in which the poor-rates had increased, how was it, he asked, that no reference was made by them to the increase which at the same time had taken place in the population and property of the country? Was the amount of the poor-rate to remain at a stand-still, whilst the population was doubling its number and the property and wealth of the nation was accumulating in every possible direction. Was there to be no increase in the poor-rate when the Legislature was lavishing 200,000*l.* or 360,000*l.* a year upon a court, and 100,000*l.* a year upon one single lady. But everything was to be directed against the poor; and when at last, by harsh and unwise laws, that portion of the population, goaded and stung beyond endurance, begun to assume an attitude of defiance and to threaten a violent vindication of their rights, then the Legislature, trembling to its centre,

was called upon to declare that the poor of this nation were a restless and ungovernable race. He asked the House to see what was the state of the Poor-law with reference to finance, and what the increase of the population for the twenty years previous to 1835. He thought that this would afford the House a somewhat new view of the question. It would show what the increase in the amount of the relief had been, as compared with the amount of the population, and also as compared with the increased value and amount of property. In the five years, from March 1814 to March 1819, the expenditure for the relief of the poor was 6,288,000*l.* In the five years from 1819 to 1824, it was 6,431,000*l.* In the five years, from 1824 to 1829, it was 6,157,000*l.* In the five years, from 1829 to 1834, it was 6,754,000*l.* So that, taking the average of the first ten years, from 1814 to 1824, the annual expenditure for the relief of the poor was 6,360,000*l.*; and taking the average of the last ten years, from 1824 to 1834, the annual expenditure was 6,455,000*l.* showing that in the ten years immediately preceding the introduction of the Poor-law Amendment Act, there had been an average increase in the ten years of 95,000*l.* He begged that that fact might be borne in mind—an increase on the average of 95,000*l.* for the ten years preceding the introduction of the new law. That increase the House would see was at the rate of one and a-half per cent. in ten years. In what ratio did the population increase during those ten years? In the ratio of sixteen per cent. But see also the manner in which the wealth of the country had increased in the same period. From the year 1815 to the year 1825 the property of the country, as shown by the legacy duty, was 319,363,000*l.* From 1825 to 1835 it was 382,577,000*l.*, being an increase of 63,214,000*l.* in ten years, or upwards of 6,000,000*l.* for each year. It appeared, then, that at the time the Poor-law Amendment Act was introduced there was an annual average increase in the property of the nation, as shown by the payments to the legacy duty, of upwards of 6,000,000*l.*, whilst the annual average increase in the poor-rate was only 95,000*l.* a-year. And yet there was at that time an outcry that the poor-rates would absorb the whole of the property of the country; and it was in that fear—the

fear of the operation of the poor-rates upon property—that the Poor-law Amendment Act was passed. Now, what was the operation of that law—what was its effect upon the feelings of the people? The law came to us under the sanction of a Liberal Administration—it came to us proposed and propounded by a Liberal Ministry, and it showed how cautious people ought to be in the use of terms, for he felt no hesitation in declaring that no Tory Administration could have proposed such a measure; or, if it had ventured to propose, could never have succeeded in carrying it into a law. In 1818 a proposition was made, for the first time in that House, to give the right of plural voting to rate-payers; and by an Act, called Sturges Bourne's Act, all rate-payers rated at 150*l.* a-year were entitled to give six votes in parish elections. What was the provision in that respect under the Poor-law Amendment Act? And did the noble Lord, by the bill now before the House, propose to modify the plural right of voting? By the Poor-law Amendment Act, the power of plural voting was transferred to non-resident owners, and, under the existing law, the non-resident owner could give, by proxy, six votes for the very property which gave to the occupier only three votes. Was this just? Was this a specimen of liberality? Was this the kind of franchise that should be accorded to us by a Reform Government? If it were, the sooner the Government were changed, the better it would be, for the sake of the people. He said that the people were labouring under a delusion with respect to the character of the Administration, if they supposed it to be a Liberal Administration. No Administration that had a pretension to liberality, could sanction such a proceeding, such a tampering with the franchise as he had just referred to. The bill now introduced did, indeed, propose to modify, in some degree, the right of voting by proxy. He knew of an individual who had the power of giving 1,500 votes by proxy. The noble Lord proposed, for the future, that a man should only give proxy votes for four people, so that the right would be limited to twenty-four votes. This, no doubt would be some mitigation of the evil; but the obnoxious principle was to remain. What effect had this upon the mass of the rate-payers? Why, that they were virtually disfranchised. They felt

this; they knew it, and were indignant, and justly indignant, at the effect of the law upon their interests. They said, "Of what use is it for us to enter into an election—we are overborne by the non-residents with their right of plural voting—it is, therefore, utterly indifferent to us in what manner the guardians are elected." Hence, they were led to take no interest in the administration of the law, but to retire within themselves, and to form conclusions in their own minds as to the inability of a Government by which such measures could be proposed and passed. Hence, also, a general feeling of discontent and dissatisfaction was spreading itself over the whole country. The public were beginning to detach themselves from their faith in the Parliament; they felt that it was of no use to present petitions, that they were merely received, and laid upon the table, without one word being permitted to be said in reference to them; in short, the public were now strongly disposed to feel that the House of Commons was adverse to popular rights, to popular interests, and popular feelings. If the principle which he condemned had not been obnoxious to himself—if he had not felt that the people were opposed to it, he might not have taken the part he now did; but when he found that it was really obnoxious to his own feelings—when he had no doubts of the hostility of the people towards it, and when he was convinced, that it was detrimental to the public interest, he should be wanting in that duty which he owed to his constituents, if he had not pursued the course he was at present adopting in reference to the Poor-law Amendment Act. He regarded it as a sanguinary and a mercenary act, based on ferocious and savage principles—an act calculated only to produce misery and torture among the deserving poor. More than that, it was calculated to arouse their hostility to it, and to resist the authority of Parliament. He did not hesitate to predict, that if they proceeded with the law, and endeavoured to carry out its principles, they would produce in this country such a feeling of indignation that nothing but force would be able to subdue. Were they prepared for this? Was this their desire? He did not believe it was. It was his firm conviction, that the House legislated honestly, but without due reflection. They had been instigated to legislate by the statements

put forth by the Poor-law commissioners, which in a great measure had deceived the House, and led them into false calculations as to the result. The poor labouring man now, after having toiled day by day for thirty or forty years, was scarcely able to get bread enough to sustain himself and children. Prostrated he came before them, and he appealed to their humanity, religion, and justice—he asked only that they would retrace their steps—that they would no longer act on a law so savage in its nature; he states, that after forty years of hard labour he endeavoured to keep his family out of the workhouse—that he has done his duty as a neighbour, and that he has violated no law; he appeals to his employer, in the name of Heaven, to look on him with compassionate feelings, and not to let him become the victim of a law which makes poverty a ground of punishment. He had witnessed many cases of hardship among the class of the people with whom his duties as coroner brought him in contact with. He had often heard them ask, “What was Parliament about? What did they desire? Did they wish the people murdered?” He answered no. Parliament was in error—they were deceived. He told them Parliament was anxious to do them justice, but still, notwithstanding this, he was not believed, because they turned from his assertion to the operation of the law. They heard the one, but they reflected on the other. Did Ministers know what the poor of England suffered? Was the noble Lord aware of the nature of physical toil? Take, for instance, a boy, the son of a labouring man. At the age of fifteen he was following the plough. When twenty-one, aye, and earlier, he fancied himself a man—he could mow, reap, and plough—but the dawn of every day roused him to his struggle for bread. His life was a constant fight between his physical body and food, and when at length he had reached the age of sixty, with a broken-down, paralysed, rheumatized constitution, when his body had become wearied, and toil more oppressive, when all his energies had declined, he passed the gate of the workhouse and exclaimed, “This is my doom.” To make even this situation more conciliatory to him, and in the exercise, no doubt, of a Christian humanity, a cemetery was attached to the building, within sight of its inmates, so that after he had been locked up

in the dwelling, his eyes might be regaled with the sods which covered the unfortunate beings who had gone before him. Day after day these things pressed on his mind. At last, when he was unable to earn the value of his wages, his employer, acting on the true principles of political economy, said to him, “Well, my good man, I have been losing by you for the last three weeks. I have been giving you 8s. a week—very high wages. I cannot employ you any longer.” The man might say, “I am sorry for it, sir, but I hope you will try me a little longer.” “No, I cannot,” is the answer. What did he then? He applied to the guardians for relief, the guardians, in return, say, “Come into the House.” “Why, sirs,” said the man, “I have an active wife and a family, and if you let me remain out, and allow me 3s. or 4s. a week, I think I can do.” “No,” said the guardians, “we would be glad to do it, but the commissioners acting under the law will not allow it. The commissioners exist in Somerset House, we can neither touch them, nor influence them. We would be delighted to compassionate your situation, but we cannot. The commissioners control us, and we have no means of upsetting their authority.” A cloud of despair from that moment settles on him. He was a lost man from the moment that he entered the gates of that workhouse, which he felt closed on him like a tomb. Now, was that a Christian Legislature? Was that an assembly of men really desirous to see their fellow-countrymen happy? Noble Lords, and men of wealth, whose pursuits were entirely at variance with those to which he had alluded, could have no knowledge of the condition of the poor. If they had, they would never have supported such a law as the Poor-law Amendment Act. Many years ago, when he was practising as a medical man, he had frequent opportunities of witnessing the condition of the poor in their own dwellings; he saw in their miserable huts and horrid hovels women in all the suffering of childbirth, with accommodation worse than gentlemen give to their horses or to their dogs. He had witnessed hundreds of times when their situation required some nourishing comforts, but not a single thing was at hand except cold water or small beer, or some dry bread, and these were the only articles their circumstances could afford. Was the House aware of these things?

They had been told by the political economists, that the Poor-law would produce a rise in wages. Very well. They had had the law now for six years. Had it raised wages? [*Cheers.*] Aye, had it raised wages? There were cheers from both sides of the House at this question, and there appeared to be a difference of opinion in regard to it. Some thought it had, and others considered that it had not, but would they by the operation of this law attempt to force wages up? They stood on ticklish ground. They told the working people, that the object, or one of the objects of the law, was to raise their wages. Were they raised? He was informed that they were not, and that was likewise his belief. He had heard from various parts of England that they were not. He could mention one district in Devonshire where they were only 7s. and 8s. a week. Was that to be considered as increased wages? Would they force the agricultural labourers to combine? Was it their desire, that when the mowing season came, the labourer should enter into this species of conversation:—The farmer said to John—"John, this is fine weather, you must begin in the morning to mow the meadow, let us make hay while the sun shines." What would be John's answer? "Ay, sir, it is fine weather, the grass is ripe, I think, but we cannot cut it for 2s. as we used to do. We have formed a combination, a little society, like one of these union things they have in London, and there aint a man of us will stick his scythe into the grass under 7s. True, the grass if not cut will be spoiled in three weeks, but we won't cut it for less than 7s., because we were told, by Act of Parliament, that if we did not save money we were criminals, and how can we save money if we never get any to save?" But suppose the difficulty of cutting the grass was got over, the peas, the wheat, the barley, and the oats, would become ripe, and require cutting. What conversation would take place then? "Come, John, begin and reap," said the farmer. "No," said John, "I can't on the old terms, a law has passed to raise our wages, and if they are not raised I can't work." Was it desirable that English gentlemen should force men into such a combination—to destroy all the kind feelings between the employer and the employed? If it was not, the course they were now called upon to take was a most extraordinary one, for

the law would infallibly produce the effects which he had stated. There was no use in disguising the fact. The opinion entertained by the people was, that their object in supporting the Poor-law was to deprive them of any relief either in or out of the workhouse. They might be wrong, but that was their opinion. If it had not that object, what were all their arrangements designed for? Take, for example, Kensington parish. How many relieving officers were there to that district? It was a parish containing 25,000 inhabitants, and it was sixteen miles in circumference, it bordered on the Court, on the palace, and was under the very noses of the commissioners. How many relieving officers were there for a parish sixteen miles in circumference, and containing 25,000 inhabitants? One—no more. In St. Luke's parish, containing 40,000 inhabitants, the relieving officer had lately received an assistant. Good God! would any man tell him, that it was possible to give the poor the relief they required under such a system as that? The people knew it was not possible. Then what sort of language was held to those poor people who applied for relief? What said the relieving officer of Stratford-on-Avon to a poor woman who had applied to him for relief?—"You there, I shall hang you." He admitted, that he made use of the words, but said that he had done so in joke. There was also the case of Elizabeth Fryer, in the Kensington union. This poor woman, afflicted with a dropsical complaint, was found sitting exhausted in the street by a poor Irish girl, who gave her some succour, she sent for the doctor of the union, and when he came, she expressed a hope that he would speak to the relieving officer. When he entered the room, he told the girl, she perhaps might get three months imprisonment for harbouring the suffering woman, and on mentioning her fears to the relieving officer, he said, "It would serve you right." He knew that these officers were reprimanded by the commissioners, but were they deprived of their situations? But the commissioners had exercised new and unheard of functions under the powers given to them. After the constituted authorities of the country had made an investigation into that case, and after the rate-payers sworn on the inquiry had pronounced an opinion on the facts, what had the commissioners done? They sent down

a gentleman of their own to try, by every species of ingenuity, to get rid of the moral effect which the verdict of the jury produced; that was a new function, and went too far to be tolerated. What had they done in the Hendon union? They had authorised the guardians to make an application which reflected on the finding of the jury. He was not theorising or speculating on the effects of the law, but was speaking of the tendency of the law, and the effects which it had already produced. What was the case of James Lisney? That poor man was admitted to the Hendon union in April last year, and in the July following he asked permission to go out, in order to see some of his family, he was allowed to do so. In August he made the same request, but no answer appears to have been given to his application. In September and October he again requested to go out of the house, not for a permanence, but in order to see his friends. This, however, was refused him. The notice on the book kept by the governor was to the effect, that Lisney was affected by a disease which rendered his going out impracticable, except on the long days. On the 4th of November, the guardians visited the workhouse when the governor was present. The inmates had a holiday, when Lisney said he ought to have a holiday likewise. On hearing that, one of the guardians said, "It was very hard that he had not a holiday like the other men." Afterwards Lisney was called into the board-room, and that man, afflicted with diabetes—a disease which in almost every instance was fatal, especially where the sufferer was exposed to cold, was sentenced by that board of guardians, whom the commissioners laud for their humanity—truly, a humane board—to twenty-four hours' confinement in a separate room, with only bread and water. The place of his confinement had no ceiling, and everybody knew that it was an exceedingly cold night. When he came out he told his companions, that he was so cold that he could sit on the fire. The testimony of the medical gentleman in that case was, that he could not separate the punishment of Lisney from his death, and that gentleman was a person of great experience in his profession, of high influence, and totally unconnected with any party politics in reference to the Poor-law. In that case, he had felt it is duty as coroner, to take the evidence of the

paupers in the workhouse, as they had an opportunity of witnessing the condition and treatment of Lisney. He had been condemned for that, but he would like to know how he was to have got at the facts of the case if he had not resorted to this step? Were they to take the evidence of the master, or of the guardians who had inflicted the punishment, and to shut out the only testimony which could be satisfactory to a jury? And yet these commissioners, under the sanction of the noble Lord, pocketing as they were the public money, permitted the guardians to send forth a publication, which was a libel on the judge of the court, and on the jury who returned the verdict. Was this to be endured in a civilized country which boasted of its freedom? He called upon the noble Lord, in justice to the jury, to cause the notes taken by the person sent down by the Poor-law commissioners to be published—he called on the noble Lord to do so for the information both of that House and of the country. There was a poor woman examined on the first and second occasions, and when she attended on the subsequent occasion—but they would find her condition described in the evidence that was given—she said her condition had been rendered most uncomfortable in consequence of her having given evidence, and that she earnestly desired to get out of the workhouse. Where, then, was her redress? Except by examination of the inmates, how was it possible to arrive at the truth? The gates were kept locked. Were the rate-payers admitted? No. Were reporters admitted? No. The board might imprison, or do what it pleased, and scarcely a person out of doors knew of it. Where, then, was the redress for the poor? If they were not permitted to go out, how was it possible that they could obtain work? If they solicited aid they were shut up in the workhouse, and subjected to the rules of these atrocious commissioners. He did not make his remarks in any personal spirit; but he was there to discharge a solemn duty. No one had more opportunities of witnessing the effects of the law than he had, and he had merely stated to the House what he himself had witnessed. Lisney asked permission to go out, and was refused. He used some expression which was considered by the guardians to be disorderly, and he was punished by the very party who said that he had offended.

Was it fair that one party should be accuser, judge, and jury? Would the noble Lord better the condition of the people in any one way by the present bill? Had he added to the power of the guardians and lessened those of the commissioners? No such thing. The noble Lord had done exactly the converse. Great was the outcry against the powers exercised by the commissioners over the boards of guardians, and to such an extent had they been carried, that respectable men were driven from the boards. Yet the noble Lord had increased the power of the commissioners, and had taken from that of the guardians. The hon. Member for Maidstone had moved, that the bill be read a second time that day six months, and in seconding that motion, he entreated the noble Lord not to press the question to a division, but to ask leave to withdraw his bill for the purpose of introducing another—limiting the commission for two years, in order that the law might be placed on a rational basis, and administered by the recognized authorities of the land, for it was quite clear, that if the law was to be administered as it had been, the spirit of it would exist in the feeling of the commissioners, and not in the statute book. They might talk of the uniformity of its operation, but there was never a more chequered thing in existence than the present system. The commissioners were bound by the act, in certain cases, when they framed new rules, to lay them before the Secretary of State, but this has not been attended to. The rules were harsh, and appear to have been framed in order to torture the unhappy beings who might be compelled to go to the workhouse, but there was no uniformity in regard to them. He found that, from a book which had been put into his hands at the office of the Poor-law commission, that, by the 11th rule, great favour and consideration was intended to be manifested towards married couples infirm from age or any other cause, in providing for a departure from the 10th rule, which required the separation of married people. Yet now the resolution agreeing to such an act of humanity had to be transmitted to the Poor-law commissioners in London for their consent, without which it would be of no effect. He was astonished, that any gentleman consented to act as a guardian under such a system. He was satisfied that when they had done so, it

was in order that they might be able to serve the poor, otherwise they would never have submitted to the office. Here was an old and infirm couple, whom the guardians had not the power of permitting to sleep in the same apartment without the consent of the commissioners, and this was the law which the House of Commons was called on to sanction. "Oh! but," said they, "we should continue to receive our salaries, because John Bull has, by our law and our labours, been able to save 10,000,000*l.* But it was all a delusion, and a perfect farce. Would any Gentleman feel a gratification in adding to his own coin by taking from that of the poor man? Was ever this a subject of boasting by a House of Commons which affected to represent the feelings of the people? He had shown, however, that the increase in the amount of the poor-rates under the old system bore no proportion to the increase of wealth, that in the ten years preceding the present system, while the poor-rates increased 95,000*l.* a year, the wealth of the country increased 6,000,000*l.* a year. The commissioners, in order to produce the appearance of a saving, struck off every charge which they possibly could. All the charges which affected the commissioners' court had been got rid of, and thrown on the county-rate, and John Bull had only to pay out of his left instead of out of his right pocket. Was the House so blinded—so stultified, so stupid, as not to see through so fallacious a reason? There might have been a reduction of the poor-rate in some cases, but what was the effect on the rate-payers? Had they bettered the condition of the rate-payers? What was it they desired? Let the rate-payers themselves be applied to, and they would not seek to effect any saving at the sacrifice of the comforts of the poor, they would rather go without their meals than that the deserving and industrious man should be deprived of the comforts which he ought to possess in his old age. The noble Lord said, in the true Malthusian spirit, that the law was merely to prevent the people from starving, but his (Mr. Wakley's) hon. Friend, the Member for Kilkenny, had stated, that it went to make a distinction between the deserving and the undeserving—between the idle and the industrious. He agreed with him to the fullest extent in that sentiment. He would support any law founded and ad-

ministered on that principle, but he would ask that hon. Member, how he could support the present law, when he saw that its operation was directly the reverse of the principles he had laid down as his reason for supporting it at the outset, and especially when he saw the conduct of the commissioners under it? Apologizing to the House for the length of time which he had occupied in addressing them, he begged to sit down by seconding the motion of the hon. Member for Maidstone, that the bill be read a second time that day six months.

Mr. *Gally Knight* differed so entirely in opinion from the hon. Gentleman who had just sat down, that he rose to congratulate the noble Lord, the Secretary of State for the Colonies, on having at last girded up his loins to apply to Parliament for a more than annual prolongation of the powers of the Poor-law Commissioners. The application should have been made before, but he trusted, that in spite of all the idle clamour about centralization, and unconstitutional authority, the good sense of Parliament would sanction now what he considered to be absolutely necessary for the establishment of the improved system. He was convinced, that without some central control of this kind, the new system could never have been introduced, and that without the continuance of this control, there could be no security against a very general relapse into the old abuses. Let it be recollected, that it was from the allowance of discretion by the 36th of George the 3rd, that the greater part of the old abuses had crept in—a sufficient proof that the superintendence of the commissioners was requisite till the new system should become the habit and usage of the land. But the hon. Member for Finsbury had taken advantage of the introduction of this bill to inveigh against the new Poor-law itself. He (Mr. Knight) was not surprised at this, for it was an easy road to popularity. It is always more agreeable to give than to refuse, especially when you are dealing with other people's money, and God knows, it was anything but agreeable to be denounced as cold-blooded and mercenary, however little a man's conscience might plead guilty to the charge. But he would intreat those who were so lavish of their censures to remember what was the state of things before the new law was introduced—to remember, not the impoverishment of proprietors, but the degradation

and demoralization of the working classes—the unjust and miserable system of paying wages out of rates—the discouragement of industry, and the premium which was offered to improvidence and sloth—the cancer which had got such powerful hold of the southern provinces, and was gradually eating its way to the heart of England; and then he would ask which were the friends of the working classes? Those who would send them back to all the debasement of the old system, or those who would train them to habits of providence, sobriety, and independence; who would teach them to rely upon their own exertions instead of being, as they had been in the pauperised counties, little better than slaves; who would procure for them better wages, and more permanent employment; who would raise them in the social and the moral scale. No: those who had such views, were not the enemies of the working classes; but those were their enemies who deluded them with misrepresentations, and enlisted their passions on the side of error. And when the hon. Member for Finsbury inveighed against the new Poor-law, he would do well to recollect, that this was the only country in the world in which there was any Poor-law at all. Did he (Mr. Knight) complain of this? By no means. He thought it right, that such a law should exist, and rejoiced that his own country had set so good an example. But, when this country had set such an example, it was a circumstance that might be recollected by those who declared that the Legislature of this country had no regard for the poor. And what did the new Poor-law enact? Nothing more than could be done under the old. In proof of this, he would mention that he was conversant with one of the largest parishes in the metropolis, in which, as it had a local act, the new Poor-law had never been introduced. But the vestry of that parish had carried the principle of that law into effect—nay more, it had done so two years before the act was passed, and the consequence was, that they had saved 25,000*l.* a-year, and had, at the same time, amended the condition of the poor. But though such things were possible under the old law, it was a matter of option; so much so, that very few parishes in all England had mended their ways of their own accord; a plain proof, that the new law was not introduced before it was wanted. But the hon. Member for Finsbury, besides having made a general attack upon the law, had

proceeded to bring forward particular instances of cruelty and oppression. No doubt the hon. Member had good grounds for what he alleged, but he (Mr. Knight) could testify, from his own experience, both in town and in the country, that such stories when sifted and examined often turned out to be either absolute fabrications or gross exaggerations. No doubt lamentable occurrences of this kind would sometimes take place. If there was oppression any where, he did not stand up to defend it. If wrong was done, let the wrong-doer be punished. But this he would say, that such things were not the offspring of the new Poor-law. Such things would occasionally happen under any system; they had happened before, and to a greater extent. No pauper could be bandied about from parish to parish till he died in the cart; wherever he was found in a state of destitution, he must now be relieved on the spot. As to the case of the old man of sixty years of age which the hon. Member had so forcibly portrayed, fortunately no such case could occur under the new Poor-law, for the law enacted, that all paupers of, or above, sixty years of age should receive out-door relief. Under the new law out-door relief was granted to all who were old or infirm—to the able-bodied, when any accident or illness prevented them from working. The law only refused out-door relief to the able-bodied when in the full enjoyment of their strength—and it then offered them an asylum (if they were thrown out of work), only so far less eligible than their own homes as to prevent overwhelming multitudes from rushing in. It was easy to call the workhouse a prison, a bastille; and the labourer deserved to be respected, who, by his own exertions, kept himself and his family out of its walls. But that man had no right to call it no place for him who chose to live upon his neighbours. It was necessary to make the workhouse to a certain degree a less eligible residence than the cottage. It was in every respect better than the cottage, except one, which was restraint. The rooms were warmer; the diet was more nutritious; and what distinction could be devised less cruel than a restraint, which was by no means unmitigated, or inflexibly enforced. But it was said, the new Poor-law might be tolerated in rural districts, but was not adapted to large manufacturing towns. Now he confessed he could not see why it was not as applicable to the one as to the other—because fluctuation is the condition of trade

—because an operative knows beforehand, that he will be occasionally out of work, just as a mason knows that he will have nothing to do in the winter; because, when trade is brisk, the wages of the operative are high; far higher than those of the agricultural labourer; and because that system is his friend which teaches him to lay by a part of those high wages against a day of depression, instead of getting drunk with them two days in the week. He knew, that at times, the depression of trade would continue so long as to exhaust a little store. But on such occasions the law might easily be relaxed, and such emergencies never came on so suddenly as not to allow time to obtain the commissioner's sanction. The hon. Member had recommended that an exception should be made in favour of the meritorious poor, and doubtless, the feelings inclined to make such an exception; but if such a clause were introduced, he feared it would open the door so widely as to bring back something very like the abuses of the old system. If once it were enacted, that all able-bodied men of not a decidedly bad character, should receive out-door relief, how few would not get it? What guardian would feel disposed to pass the sentence? The better way would be to meet hard cases with private charity. Charity should be the handmaid of the new Poor-law, and should provide for such cases as no law could define or comprehend. He believed, in his conscience, that the welfare of England, especially the welfare of the working classes, depended upon the maintenance of the new Poor-law. Let it be administered with judgment, and with mercy, but let it not be repealed. The hon. Member for Finsbury had appealed to the opponents of her Majesty's Ministers. After his example, he (Mr. Knight) would appeal to that great Conservative body, with whom he esteemed it an honour to act, and intreat them not to assail the new Poor-law, because it happened to be a Whig measure. This was a subject with which party spirit should not interfere. He had sufficiently shown that he was little disposed to overlook the errors of her Majesty's Ministers. But when they deviated into right, when they adopted such measures as the Tithe Commutation Bill, the new Poor-law, and he would add, the treaty of last July, he should consider himself a bad citizen, if he did not give them his frank and hearty support. If he thought, that the new Poor-law was calculated only to save the money

of the rate-payers, he should be the first man to oppose it, but as he was satisfied, that its result would be the amelioration of the condition of the poor, in spite of any unpopularity which might be the consequence, he was prepared to give it his fullest support. In making these observations he wished to guard himself against being supposed to approve of every clause of the present bill. Some of the clauses had his concurrence, others, he thought, would require amendment. But of these details it would be best to treat when the bill was in committee.

Mr. *Bucke* regretted, that the noble Lord had not brought in a bill on this subject early in the last Session, for the purpose of remedying the discontent which existed in various parts of the country. It did not appear to him that the present measure was calculated to remove these discontents, and, unless greatly modified in several of its clauses, the noble Lord would meet with no little difficulty in finding persons who would consent to be instrumental in carrying it out. It was evident that the feelings of the House were very much divided with respect to the measure. It was possible, however, that an efficient measure might be passed, which would afford much benefit to the community, but that could only be done by an assurance on the part of the noble Lord, that he would allow some considerable alterations to be made in the clauses of the present bill. There was one thing to which he would particularly direct the attention of the House. He viewed with alarm, and many other persons were of the same opinion, the unrestricted powers professed to be given to the assistant-commissioners, and which were at present exercised to so great an extent. There was one case which he would state to the House as having occurred in his own neighbourhood. A highly respectable gentleman, a county magistrate, attended a meeting which was held at Barnstaple, for the purpose of expressing public opinion with respect to the operation of the New Poor-law. The gentleman to whom he alluded was called to the chair, and his presidency was the best assurance that the proceedings would be conducted with order and decorum. The House, he was assured, would hear with astonishment that this gentleman received a letter from an assistant Poor-law commissioner to appear before him

on the following Monday, and he was further given to understand that he should be held guilty of a misdemeanour if he did not attend. He applied to have the assistance of a professional adviser, which application was refused, and he was held from the Monday to the Wednesday under an ordeal of question and cross-question, and ultimately an affidavit as to the truth of the statement which he had made at the meeting was required of him. He would have stated these facts at an earlier period, had he not been afraid that he might make some unintentional misrepresentation with respect to them. He, however, had written to the gentleman in question, and had his corroborative answer in his pocket. He was sure, that neither the noble Lord nor the Members of that House would grant such an arbitrary power to any Poor-law commissioner. He called on the noble Lord to inquire into these facts; and if such power was found to exist in the persons of the commissioners, he hoped, if it were the will of the House that the commissioners should be continued, means would be adopted for curtailling a power, the exercise of which he was satisfied was highly unconstitutional.

Mr. *Muntz* had been long aware that the great misfortune of the people of the country was, that those who were the law-makers were not the law-workers. If the noble Lord and his colleagues were to act as Poor-law guardians for only six months, they would never attempt to enforce such an obnoxious law, for it made no distinction between the honest, industrious man and the idle, dissolute, and drunken vagabond. If those stupid farmers who made up wages out of the Poor-rates, had discovered that they paid those rates themselves, and therefore gained nothing by the practice, they would have remedied the thing themselves, as he had seen it remedied in other places. He remembered a period when the same practice existed in the town of Birmingham, but in a very short time it was cured, and there was no danger that it would ever under any circumstances be revived. It was said, that there had been a great saving under this law. He doubted the truth of that statement. From all that he could learn, the amount of wages at present was fully equal to what it had been before the passing of the present law. [*Cheers.*] The noble Lord (Lord John Russell) cheered

that statement, but he believed, that no saving had been effected in the aggregate by the operation of the Poor-law. Now, whatever might be the experience of other Gentlemen, his experience was uniformly to this effect. He had never known a man of kindly feeling who was overseer for the space of six months, who did not, in that time, become callous to the representations of those who were placed under his control. That being the case, what must be the feelings of those who were permanently masters of workhouses, who had held that office for two, three, five, or six years? Many instances of the cruelty of these persons had been related to the House by the hon. Member for Finsbury, and let them not imagine, that these were the only cases, although there were few men of the same energy and ability as the hon. Member for Finsbury to bring them before the country. These were not the only points in which the law was objectionable, and in which its severity and injustice were manifested. There ought, undoubtedly, to be a distinction made between large towns, where great numbers were frequently thrown out of employment, and small places, where the distress was upon a much smaller scale. He had seen 10,000 men thrown out of employment at once. When they applied for relief, they were told that they might come into the House, but they would not accept the offer. In fact it was not intended that they should; there was not sufficient room for them; and the offer was made merely for the purpose of getting rid of them. The intention of the law, perhaps, was good, but its effect was most unjust and severe. He was quite confident, that if the noble Lord and his colleagues knew the working of the law, they would be the last men not only to bring it in, but even to vote for it. Feeling as he did the greatest objection to the renewal of the commission for ten years; believing, as he had long believed, that the Poor-laws Bill, like the Factory Bill, and several others which he could name, were the effects of an erroneous view of finance, and calculated to inflict a deep injury upon the country, he would do all in his power to prevent the passing of the law, on that occasion.

Mr. Liddell said, that it was his intention to vote with the hon. Member for Finsbury, against the second reading of the bill; in doing so he would observe, that he could not concur in everything

that had fallen from that Gentleman in the course of his able speech; he could not join in the strong language that had been used; but, notwithstanding this, he would be found in company with the hon. Gentleman when the division took place. He objected most emphatically to the principle of extending the Poor-law commission for the period of ten years for the purpose of carrying into effect the enactments of the Poor-law Amendment Bill. The noble Lord (Lord J. Russell) had thought it expedient in the course of his speech to take an historical survey of this measure, and had in doing so brought under the notice of the House a long list of grievances which existed prior to the introduction of the Poor-law Amendment Bill by a Government which consisted of many Gentlemen who now administered the affairs of the country. He thought that the noble Lord might have spared himself that trouble, for he had no doubt that the old law required much revision; that, if some alteration had not taken place, much dissension would have arisen. Independently of his repudiation of the principle of the bill before the House, he had great objections to specific clauses, which he considered extremely detrimental to the interests of that class for whose benefit it was said to be framed. The hon. Member for Finsbury, had brought under the notice of the House several cases in which the law had operated most harshly in populous manufacturing districts; but in rural districts it had also given rise to much misery and distress, although he was willing to confess, that in the rural district in which he resided it had operated tolerably well. For what purpose was the Poor-law Amendment Bill introduced? What objects had its originators in view in concocting the measure? It was certainly to benefit some one class of the community; but he maintained that it was impossible for the hon. Member who supported the Government measure to specify any one class who had been benefited by the alteration in the law. The condition of the poor had not been alleviated, and very little or no saving had been made in the parish rates. It was true, as had been stated, that in the union of Alnwick 2,000*l.* a-year had been saved, but in the union in which he resided no such good result had followed; in fact, no saving had been made at all. It had been found that men could not be got to

act as guardians unless they were well remunerated for their services, and this payment must be made from the rates. According to the noble Lord's bill, all paid overseers would be ineligible to act as guardians. He (Mr. Liddell) considered this clause very objectionable, and if not struck out, or materially altered, it would throw many unions into great disorder. But his great and serious objection to the bill was, that it perpetuated the central board for so long a period as ten years. Against this portion of the bill he entertained well-founded and constitutional objections. Was such a board, with almost unlimited powers, with a jurisdiction extending over the whole of this country, endowed with legal power to govern almost every parish and district in the kingdom; possessing authority beyond the law, for one moment to be tolerated? He entreated the House to pause before they allowed a bill to receive the sanction of the Legislature containing a clause of such a character. He could not believe that the House would give its consent to the bill. It was not only the object of the Government measure to empower the central board to exercise this authority for a period of ten years, but the commissioners were to be endowed with new and extraordinary powers. To the seventh clause of this bill he had a serious objection. It proposed to relieve the commissioners at Somerset-house from the necessity of specifying and publishing the rules which they intend to issue for the Government of the unions. In his union much evil had arisen from the circumstance of the central board not issuing specific regulations for its Government. He considered this clause pregnant with evil, and one which he could not support. He agreed with the hon. Member for Finsbury, in lamenting the want of a court of appeal from the judgments of the Poor-law guardians and from the central board. If such a court were established, it was his belief that many cases of hardship, cruelty, and oppression, would be exposed to the public eye, and thus benefit would result. The opponents of this measure had been asked what they would substitute instead of the central board, were its functions to cease? It was his belief, that the board of guardians, if properly constituted, could act for all useful purposes without the central board. He did not believe, for one moment, if they were dele-

gated with proper authority, that any of those evils which spring out of the operation of the old law would again arise. It was his opinion, that the guardians of the poor were alive to the mal-administration of the old system of poor-laws, and that they never would dare to introduce into the districts over which they presided the objectionable portions of that system. On these grounds he was induced to believe that the existence of a board of guardians rendered a board of commissioners at Somerset-house unnecessary. He thought that the relief afforded to the poor by rule and square, as measured out by the commissioners at Somerset-house, was abhorrent to the feelings of the humane, and repugnant to the genius of Christianity. Its effect had been to alienate the affections of the people from those who were placed in authority over them. Cases of great hardships had occurred; the feelings of the community had been blunted; and a great portion of the public had been induced to array itself in opposition to a law which oppressed so severely the poorer classes of the community. For these reasons he would not consent to the existence of the central board for a longer period than was necessary for them to wind up their accounts with the public.

Sir *Robert Peel* wished to state, as shortly as he could, the reasons for the vote which he was about to give in favour of the second reading of this bill. He might commence by stating, that two main questions had been started in the course of the present discussion: first, whether or no it was advisable to adhere to or abandon the great experiment, which had been begun in 1834 for the improvement in the administration of the Poor-laws—that was the greatest and most important question; and secondly, whether, supposing it was desirable to adhere to that experiment, it were or were not advisable to continue the administration of the new system under the superintendence of a central board of commissioners. Now, he for one did not consent to the experiment for the amendment of the administration of the Poor-laws from any desire merely to effect a pecuniary saving; he had never contemplated as the chief advantage of that experiment, that it was to cause the diminution of the rates: he had come to the conclusion that this great experiment should be made from an actual experience of evils, which appeared to admit of no delay; which were, as a

cancer, eating into the vitals of the country, paralysing the powers of the industrious classes, and which called for a remedy that should absolutely excise the disease. He was disposed to agree with the hon. Gentleman (the Member for Finsbury) that the time selected for the introduction of the original bill was well chosen; he was inclined to doubt whether, if a Conservative Government had made the proposal, the results would have been precisely the same; he could very well believe, that if a Conservative Government had made the experiment, and that if the hon. Gentleman and others who thought with him had made those appeals and used those arguments which they now adopted, he was ready to conceive that under such circumstances there would have been great difficulty in carrying into effect any experiment for the amendment of the Poor-laws. He readily admitted, that it did require the co-operation of both the great political parties in the State to effect the alteration, and he was bound to say, that this co-operation could be more readily obtained—that the experiment was more easily made—under the auspices of those in whom the hon. Gentleman was disposed to place almost unbounded confidence than under the auspices of their political opponents. They were, however, too apt to forget the state of things, to meet which alone the new Poor-law was made. It was not unnatural that hon. Gentlemen should dwell almost exclusively on the evils which they were actually experiencing, and that they should somewhat forget those, however great they might be, of which their memory was not quite so full. He thought, therefore, that it was of great importance, that he should remind the House of the real state of things at the time when the alteration of the Poor-law came under discussion, and when that alteration was made, which, in his opinion, was politic and just. He did not think it necessary, for this purpose, that he should refer to the evidence of partisans in favour either of the old system or of the new law. Whilst the hon. Gentleman was speaking, he recollected the report of the committee of that House, which was not appointed for the immediate purpose of considering the Poor-law, but to examine into the condition of the agricultural labourer, and which report was made long before the Poor-law commission was appointed. In the year 1824 a committee was appointed to inquire into the amount of the labourers' wages, and before which evidence of the condition

of the agricultural labourers in several parts of the country was taken. The hon. Gentleman, the Member for Finsbury, thought that the agricultural labourers had a right to complain of the diminished amount of poor-rate that was paid to them. The hon. Gentleman contrasted the increase in the value of property, the increase in the amount of taxation, and the general increase of wealth, with the diminished amount of relief that was given to the poor, and he thought, that this diminution gave to the poor a good ground of complaint. Now, he would take from the report to which he had referred, the instance of a hundred in which, at least, that ground of complaint did not arise, and in which the hon. Gentleman would, in fact, find a continued and progressive increase in the amount of money applied to the relief of the poor. He took the hundred of Blything, in the county of Suffolk. A witness produced an account of the expenditure in this hundred from Lady-day, 1810, to Lady-day, 1823. Under the head of unemployed poor, there was a progressive increase in the amount of the rate, and likewise an increase in the amount professedly applied towards the relief of the able bodied poor. The sum applied in this hundred for the payment of unemployed poor from Lady-day, 1810, to Lady-day, 1811, was 1*l.* 3*s.*; from Lady-day, 1811, to Lady-day, 1812, it was 1*l.* 12*s.*; from Lady-day, 1812, to Lady-day, 1813, it was 3*l.*; in the year ending Lady-day, 1824, it was 6*l.*; in the next year, 5*l.*; and it went on increasing to 1,384*l.* in 1816; to 2,297*l.* in 1822; and it had advanced from 1*l.* 3*s.*, in 1811, to 3,536*l.*, in 1824. This hundred embraced forty-six parishes; it was an incorporated hundred, and it had within it a house of industry. With this progressive increase of the rates, with this progressive increase in the amount of relief paid to the poor, what was the result? Were the poor much happier! Did the moral condition of the poor increase, with this increased application for relief? Did their actual comfort increase? The witness was asked what was the condition of the unemployed poor? And his reply was, that with respect to the unemployed poor, they were generally relieved from the poor-rates, they were without employment, and were receiving relief as the wages of indolence. He was then asked, what effect he had found produced by the present system of giving relief instead of employ? He replied, that the ef-

fect was dreadful. It totally demoralized the lower orders and made them poachers, thieves, and robbers. Yet there had been a progressive increase in the amount of the sums paid for rates. This was the state of the perfectly unemployed poor in the year 1824. The witness was then asked, "Have you observed, in your memory, that the quantity of crime has increased?" The answer was, "undoubtedly, during the last five years especially." The relief in money, instead of labour, had had a lamentable consequence; it had broken the bond of union between the labourer and the employer. Formerly the labourer was employed for many years upon the same farm, or under the same master, and there was a mutual good feeling; that mutual feeling no longer existed; the labourers were the mere servants for the day, or for the particular work; they were cast off as soon as the work was done to find existence, if they could by labour, and if not, from the poor-rates. There were generally in each parish, from five to forty unemployed, who were engaged during the day in idle games to pass their time away, in insulting persons who passed by, or in taking sleep, to make them more ready for their labours at night; no one would apply for work, because they were sure of support from the poor-rates. This was the state of things with the increased relief. Now, suppose the hon. Gentleman had gone down and spoken to these unemployed men in the same manner as he had addressed the House that night: the poor would say, "Here are new regulations introduced. Heretofore we have been in the habit of receiving four or five shillings a-week out of the poor-rates for doing nothing; and here it is all changed." The hon. Gentleman might have addressed to them the inflammatory speech which he had now addressed to the House, "What a scandalous shame it is to withhold from you your four or five shillings a-week! You have a very large family, and it is too true that you cannot get employment. What a scandalous thing it is to overturn a practice that has existed for the last fifteen years! You have a clear right in the Act of Parliament to a continuance of this allowance." The hon. Gentleman might, in such a case as this, obtain the distinction of exciting the feelings of the poor—totally disregarding the considerations that ought to weigh with rational men, and which made them look upon the allowance as a great ground of evil. Suppose that the Legisla-

ture should consider that the grant of indiscriminate relief to the able-bodied poor, without requiring any labour, tended to degrade the individual; that it was unjust to the man hovering on the confines of utter disability to pay the rate, and yet displaying the utmost reluctance himself to receive relief; suppose the Legislature should be of opinion that it was desirable to apply some such test as the workhouse test, saying, "we will supply you with food, with lodging, and with clothes, in case of necessity, but we will require you to reside in the workhouse." Suppose the Legislature should be of opinion that some such test would have the effect of doing justice to the humble, but industrious rate-payer, whilst it would also improve the moral character, and ultimately, as a consequence, the physical condition of the labourer himself;—did the hon. Gentleman deny that the Legislature might be fairly called upon to adopt the improved system? It was not possible to adopt that improved system, without giving rise to cases of individual hardship, and of individual distress. Deeply did he lament that there should be these cases of individual distress; but they must come to their determination upon the general principle, they could not come to a decision in consequence of any individual cases of distress, lamentable as he admitted those cases to be. Still he thought that they heard more at present of individual cases of abuse than formerly. Under the old system there were small workhouses in independent, and perhaps distant parishes. They were under the direct influence of an overseer, who might have a large pecuniary interest in increasing or diminishing the rates, and he was inclined to believe that many abuses which then existed were never heard of. They were of a more aggravated kind, because they were entirely excluded from the public eye. He did not deny the existence of abuses now, and he hoped that one of the consequences of the central system would be, to draw public attention to these abuses. He trusted that they did hear more now of the abuses that existed, but it did not follow from this that the actual amount of abuses was greater than under the former system. It was from such a consideration, and not from any hope of any pecuniary benefit—it was in the hope and in the belief that a new test would improve the condition of the labourer himself, and that it would teach him the happiness and the pride of an independent position, that he

had consented to the alteration in the law ; and he should greatly regret, after the expense that had been already incurred—although that was a minor consideration, which if he were convinced it was necessary he would entirely overlook—he should greatly regret the necessity, were it proved, of abandoning, after a trial of only five years, the extensive experiment which they had begun in 1834. If they did abandon it, what system were they to adopt in its stead? He had not heard from any hon. Gentleman who had addressed the House, any suggestion of a new plan. Then if the present system was to be adhered to, as he thought it ought—if they were to sanction the principle of the new Poor-law, to attempt the application of some test by which they should be enabled to distinguish the virtuous and industrious from the dishonest and idle labourer ; if they were to do their duty to that large class of rate-payers upon which the rates fell most heavily, who were endeavouring to maintain an existence as independent labourers, and towards whom the admission of a fraudulent claimant on the rate would be a great injustice, he had come to the conclusion that it was not fit to abandon the experiment upon which they had entered. If, then, it was fit to maintain the system, should the whole of the more effectual working be left in the hands of the boards of guardians, free from all interference, or should they have any central body or board to control the individual boards of guardians? Should they take this step as a matter of precaution against abuse? Now, upon this point, he did not think that the speech of the hon. Member for Birmingham had led to any conclusion which proved he was very logical in his argument. The hon. Gentleman said that in former times the law was not bad, but that there was, in different parts of the country, a great difference in the mode of its administration ; above all, the hon. Gentleman said, that the system of paying wages out of the poor's rates ought to be discountenanced ; and he added, that there were under the old system some parishes in which what the hon. Member called the “ stupid farmers ” acted erroneously, and introduced a lax and improper practice, and did pay rates in aid of wages. That was just the evil which he expected to remedy by means of the central authority. There was a difference in the practice of administering the principle of the Act of Elizabeth ; in some parishes it was rigidly, he hoped not inhumanly adhered to, whilst in

the majority of parishes, either from ignorance of the law, or from misapplied humanity, the principle of the law was departed from, and those individuals, whom the hon. Gentleman called the “ stupid farmers ” (though they did not, as he thought, merit the title), subjected themselves to immense rates, whilst they caused a most injurious effect upon the labourers. What he hoped and expected from the Central Board of Commissioners was, that they should observe the instances in which the Poor-laws were best administered for all, inflicting the least hardship on the poor, and yet effecting the subordinate advantage of diminishing the rate, and by observing the best, they might gradually bring about an uniform, a humane and perfect system, which would be more speedily introduced by the commissioners persuading and directing the board of guardians, than if they left the board of guardians to act upon their own independent opinions. Again, the hon. Gentleman, the Member for Birmingham, said that there had been no saving from the amendment ; for he argued, although there had been a nominal saving in the amount of the rate contributed, yet, that there had been an increased charge upon the employers, because there had been increased wages paid to the labourer ; that if they added to the amount of the existing rate the increased amount that the employer pays, there would on striking the balance be found no real saving to the rate-payer. He knew that the hon. Gentleman was actuated by the most humane feelings, and that he kept in his employ many persons. But what was the object of the amendment? That the virtuous and industrious labourer might receive an increase in the amount of his wages. He rejoiced, therefore, to hear that the amendment had had this very effect ; that there had been no real saving, because of an addition to wages ; and, indeed, that upon the whole the balance was against the employer and in favour of the employed. That was one great object for which he had hoped ; he had supported the amendment with the desire that the labourer should receive an increase in the amount of his wages. The hon. Member for Finsbury, in his illustrations of the very low amount paid for wages during the existence of the present law, had selected the county of Devon. Now, it so happened, that in the county of Devon there was a greater amount of relief given to able-bodied labourers than in any other part of Eng-

land. The hon. Gentleman said, that seven shillings a week only were paid to the labourers in Devonshire. He admitted, that this sum was quite insufficient to maintain the labourer and his family; but the proper course to inquire was, whether the lowness of wages arose from the application of the workhouse test; for if it did not, it was no argument against the new Poor-law. He found, on referring to the tables appended to the report of the Poor-law commissioners, that the county of Devon was the only case of a county in which two unions alone had received positive orders to discontinue out-door relief, and at the present moment, of all the counties in England, this was the county in which there was the largest amount of out-door relief. He did not say that out-door relief was the cause of the lowness of wages; they might be effected by other causes, but it was singular that in the very county selected by the hon. Gentleman to show the lowness of wages whilst the new Poor-law was in existence, there should be a larger amount of out-door relief to able-bodied paupers, than in any other county in England. On these general grounds, then, remembering the evils of the old system, and under the impression, that if the present system were continued, there was a great chance of effecting good, especially if the administration of this new system were continued under the superintendence of a central board of commissioners, he should give his vote in favour of the second reading of the bill then before the House. It was necessary for him to state, however, that in voting for the second reading, he reserved to himself the fullest right of judging of the propriety or of rejecting any of the clauses, and of dissenting from any provisions by which the power of the present law was to be increased or amended. He doubted particularly the propriety of continuing the commission for so long a time. He did not mean to say, that after an experience of a further continuance for a short period, he might not come to the conclusion, that the powers given by the present law should still exist; and that the continuance of the commissioners might not be advantageous, or that he might not deem such further continuance advisable; but it would, in his opinion, be more consonant to the opinion of the country that the subject should again, at a short period, come necessarily under the consideration of the House. He confessed that he could not see the advantage of prolonging the period

beyond five years; and he thought, that it might be of advantage to ensure the reconsideration at the end of that period. It did not necessarily follow that there should then be a termination of the powers of the commissioners if it should be found that the system was working well. It was perfectly different from an hon. Member at the end of five years bringing in a bill to close the commissioners' labours, to say that there should be a positive assurance that at the end of five years the matter should be again reviewed. He knew the advantage, on the other hand, of giving more permanence to the commission, and increased authority to the commissioners; still, upon the whole, he thought that if they told the commissioners that at the end of five years their acts should be positively reviewed, they would be taking a greater security for their good conduct than if they gave them their seats for ten years. If at the end of the five years they should find from experience that the commission was working well, he was sure that the good sense of Parliament would consent to a renewal of the term. There was another reason which weighed with him in concluding that the powers should be re-granted for the shorter term. A great deal depended upon the personal character of the gentlemen acting as commissioners. Great powers devolved upon them; they had a power of legislation, and he thought that it was more becoming that Parliament should reserve to itself the certainty of a re-consideration of their legislation at an early day. This constituted an additional reason in his mind for a narrower limitation to the duration of the commission than that which the noble Lord proposed; and he was therefore inclined to the opinion that a shorter period than ten years was more likely to ensure from the gentlemen, who might be the commissioners, a proper discharge of their duties. There was another clause in the bill to which, as at present advised, he entertained a great objection; he alluded to the clause which attached burial grounds to the workhouses. He hoped that the noble Lord would not encourage persons in carrying the system too rigidly into effect. For himself, he had never given a vote with any other view than to promote the interests of the labouring classes themselves. The abuses that existed he hoped to see exposed, and the authors punished, and regretted very much every exposure of a violation of the laws, because of the disrespect

which it must bring upon the law itself; he hoped, therefore, that the law would be carried into execution with as much deference and respect as possible to the feelings of the labourers. If he were told that the poor of this country entertained a decided preference to be buried in consecrated ground, and where their ancestors were also buried, he must say, that these were feelings on the part of the poor which ought to be cherished; it was a feeling that he could not help admiring, nor could he see any objection to the performance of the last sad ceremony within the ancient and time-honoured limits of the church-yard, or in allowing the poor to join in death those whom in life they loved best. He could not see, that the proposed change was necessary for the due execution of the Poor-law. They could not expect the poor to take any wide view of the principles of legislation; and they would feel, that they were excluded from the church-yard if they saw attached to the workhouse, as a matter of course, cemeteries for the purpose of supplying its place. It was infinitely better to encourage as much as possible, the good feelings of the poor and their attachment to their ancient place of worship, and to withdraw this clause, not only out of respect for the feelings of those who dreaded the approach of death, but also of those who would wish a complete separation between the church-yard and the workhouse. He was sorry also to find a great power given by the bill to increase the size of the existing unions. He could understand some of the advantages of an extensive union, but he thought, that in some instances the desire of large unions had been carried a little too far, and in some it might possibly do good, to diminish the size. In large unions there was great difficulty in procuring the attendance of guardians, and if the relieving officer were visiting a remote part of the large district in which the guardians might be lax in their attendance, or indifferent to the duties of their office, he could not help thinking, that parts of the union might be too far to be under the cognizance of the boards of guardians, and there would be no opportunity, which always should exist, of correcting errors or misconduct. Therefore he would view with considerable jealousy any attempt to extend the existing unions, and generally, in giving his assent to the second reading of the bill, he would reserve to himself the entire power of considering the operation of specific clauses of it. Where

it increased the powers of the commissioners he should require it to be shown that such increase was absolutely necessary; and, indeed, there could be little doubt that each clause would undergo that full and entire consideration on the part of the House which the importance of the subject required. For his own part, he should apply himself to the consideration of the measure on the principle which he had before laid down—that of a desire to provide an effectual remedy for an abuse which had been gradually undermining the prosperity of the country, and at the same time to consult as far as possible the feelings and interests of that class who were likely to be more particularly affected by the operation of the act.

Mr. T. Duncombe said, that had not the right hon. Baronet informed the House of the fact, he would scarcely have thought that he could have read the amendment which had been moved by the hon. Member for Maidstone, and seconded by his hon. colleague. The question was not, whether they should abandon the present system, but whether they should agree to the second reading of a bill, entitled, “A Bill to amend the present Act,” but in which he found an aggravation of the grounds of every complaint that had been made by the people of this country against the present system. The present system was admitted, on all hands, to require amendment, and if he could see a prospect of that amendment being effected by this bill, then he would vote for the bill, and against the amendment of the hon. Member for Maidstone, which had been seconded by his hon. Colleague. It was very well to talk of speeches delivered on this subject in that House being inflammatory or irritating—no doubt it was little short of treason to say anything against the commissioners or the present system—but he, for one, would say, that if the system was to be continued at all, it could not be better than in the hands of those commissioners, and it was therefore against the system itself that he would make his stand, and on that ground he would make his observations to the House. He thought it would have been much fairer on the part of the Government to have introduced a short bill, of some six lines or so, merely stating that the commissioners should be perpetual, and that the commissioners should have the full powers of Commons, Lords, and Crown;

for, in point of fact, this bill did confer on them such powers, seeing that it empowered them to make any rules and regulations they might think proper. While on this part of the subject, he would remind them that he had, about two years ago, brought under the notice of the House some general rules and orders which had been issued from Somerset House, with regard to the appointment of clerks of unions by the returning officers, and had then asked whether those particular rules had ever been submitted to the Secretary of State, prior to being carried into effect in more than one union. The answer which he then received was, that they had not been so submitted to the Secretary of State, inasmuch as it was not necessary, because, in the original order, all the names of the unions in which it was to operate had not been inserted. Now he thought still, as he had urged then, that the last persons who ought to have the appointment of the clerks to the unions were the returning officers, because, as it was well known, that there was always a Liberal and a Tory list of candidates for the board of guardians, those individuals would make their power of nomination subservient to electioneering purposes. In fact, this very thing had occurred in the parishes of St. Andrew, Holborn, and St. George the Martyr in the Borough, which he had the honour to represent, where, in consequence of individuals having been appointed who were obnoxious to the returning officer, all sorts of tricks were resorted to, in order to vitiate the election. On a reference to the commissioners, they said that the matter should be rectified. If they had the power to do so, what necessity was there for a power to that effect in the present bill? If the power existed in the old bill, what necessity was there for it in the present? The right hon. Baronet suggested that the commission should be renewed, but only for five years. It was not very difficult to predict, that whatever the right hon. Baronet chose to suggest, Ministers would be sure to adopt; and he only wished, therefore, that the right hon. Baronet had recommended the continuance of the commissioners for one year only instead of five. He also felt pretty well secure that that clause would be expunged which provided for the burial of paupers, not in a churchyard, but in a private burial-place, where they would be thrown like so many

dogs—a clause in which there was not even mention made that a clergyman should perform the funeral rites. He thanked the right hon. Baronet for his observations on these points. The right hon. Baronet, and the hon. Gentlemen who thought with him were, however, very anxious about the fate of the paupers after death, but he only wished they would be a little more careful of them during life. It did appear hard, that after they had spent their lives cultivating the estates of those gentlemen, they should, as soon as they were no longer able to labour, be forced into the unions—than which a greater punishment could not be inflicted upon them. Again, why repeal the local acts? Why dissolve the Gilbert incorporations? When the present act was passed, it was agreed that those unions should not be interfered with, unless with the consent of a majority of the existing guardians: but, under the noble Lord's bill, every one of those might be dissolved, whether their consent were obtained or not. In fact, this bill would do by force what its framers knew it was in vain to attempt to do by reasoning and conviction, for in the metropolis, in particular, they never would be able to obtain the consent of the rate-payers to the abolition of the Gilbert unions. They knew too well it was a jobbing act, and a bill of cruelty. It should also never be forgotten, that when the fault was found with the old system of Poor-laws, they were under the administration of overseers and justices of the peace, but that now they would be under the administration of persons elected by the rate-payers, who never would suffer the same abuses to creep in again, that existed before the passing of the act in 1834. If the present system were perfect, and worked so well, why call upon the House to agree to the second reading of this bill? Why not leave the administration to the discretion of the rate-payers? The effect of this act would be, to disfranchise the rate-payers, and he could assure the noble Lord, that the people of England would not submit to be deprived of their rights without a great struggle. This second reading was forced on with most indecent haste. Time ought to have been given to the country at large to consider the measure, and when this debate went forth to the public, the strongest effect would be produced in their minds as to the impolicy of the measure. In the mean time, he hoped that

the result of the debate would give the noble Lord a little foretaste of the opposition which he would receive in committee. This he could assure the noble Lord, that if he wished to widen the schism that had grown up between the higher and the humbler classes, then he would press forward and pass this bill. At all events, he called upon the House to pause before they passed the measure and to pass one more consistent with humanity, and the principles of justice.

Mr. Fox Maule said, that as cordially as the hon. Member hoped that the noble Lord would not pass his bill, so cordially did he hope that his noble Friend would not withdraw it; and in giving his testimony in favour of the principle of the measure, he would at least be supposed to give an impartial testimony, being unconnected with the country, and uninfluenced by any considerations directly or indirectly, which could in any way lead him to give a partial opinion on the subject. He must say, that he had heard with regret some of the observations of the hon. Gentleman who had just sat down; because, from the way in which this question had been treated on all sides, he had been led to believe, that they would not have had any foretaste of a renewal of such opposition as had formerly met this measure; and he hoped that he would abstain from giving any other than a fair opposition, and not act towards the measure as he did towards the close of the last Session. The hon. Gentleman had talked of the bill having been pressed to a second reading with indecent haste. He really must differ with the hon. Gentleman on that point; for if he would compare the bill with that which was before the House last year, he would find, that they differed very little in their various clauses. The only difference in fact was, that what last Session occupied two bills, was now contained in one. And let him also remind the hon. Member, when he talked of indecent haste, that although the bills of last year were not discussed until a late period of the Session, they were laid upon the Table early in the month of March. But he would first address himself to the speech of the hon. Member for Finsbury, who had seconded the amendment. He had heard that hon. Gentleman with regret impute mercenary motives to the country gentlemen of England in the support which they had given

to the existing system of Poor-laws, and he did not think that any argument which the hon. Gentleman had brought forward had shown that the position which he assumed was founded in fact. The hon. Member then went on to state, that the measure of 1834 was one oppressive to the poor, calculated to excite the utmost discontent in their minds, and that out of the Poor-law it was, that those scenes had arisen which we had of late years witnessed in the country. Now the hon. Gentleman had really, in making this assertion, belied those poor of whom he professed to be the protector; for whatever might be the causes of the discontents which had existed in the country, they certainly were not to be traced to the poor, and those who sought relief from the Poor-rates. They had suffered much misery, and they had borne it in a way calculated to excite our deepest sympathies, and to make every person the more regret the conduct of those from whom the disturbances had really arisen. Those persons belonged to a class far removed from those who were chargeable to the Poor-rate—persons earning quite sufficient wages to support them, but who, from some discontent, how engendered, or how fomented he would not now stop to inquire, raised themselves up against their fellow men, and desired to alter their position in society. The hon. Gentleman had threatened them with a renewed combination of agricultural labourers if this measure passed—he argued that when the hay harvest came, the labourers would combine to set the farmer at defiance, and would refuse to cut his crop and gather it. But what was the fact with regard to combinations of agricultural labourers? Why, that there had been no such combination since the passing of the Poor-law. The last combination of that kind took place before the present law was passed. The hon. Gentleman had also alluded to the sums saved to the rate-payers. The framers of the bill took no credit to themselves on that score. On the contrary, he most cordially concurred in what had fallen from the right hon. Baronet, that the object of legislation on such a subject was not the paltry pecuniary saving that might be effected to the rate-payers, but that the condition of the industrious poor might be improved and themselves regenerated. It was to this that he looked as the result of this measure, and he had no hesitation in stating his opinion that the country gentlemen of England would not have regretted

an increase of the rates that brought with it such a consequence. The question in fact was, as the right hon. Baronet said, mainly divided into two points, whether the system should be continued, and whether it should be continued under the present commissioners. Now as regarded the first point, he held it to be next to impossible to abandon the system which they now acted upon. The evils of the old system were so great, that no one would run the risk of returning to them. This being assumed, the only other question was, whether the system could be continued without the aid of the central management. He thought not, and though others might differ from him, yet he should endeavour to show that without the central management they would necessarily fall into the only mode which could lead to a return to the old system. The commissioners of inquiry on which the Poor-law Bill was founded, recommended the present system of management, not as a new idea of their own, but as an adoption of the principle then prevailing in different parishes which had fallen under their notice, and which they thought might advantageously be extended over the whole of England and Wales. In speaking of the principle of central management, he might not inappropriately refer to its admirable operation in the prison system of Scotland, and the House would not forget that he had been, last Session, attacked as to the varied regulations of the English prisons, because of the absence of any such system of central management. He must observe also, that although much had been done, still much remained to be done, as there still was a very large field over which the Poor-law commission had not extended itself. If the country were to be deprived of the services of the Poor-law commissioners, the work would be left only three parts done, and the result would be, an amended state of things in one part of the country, and the old system prevailing in the rest. Thus, there would be two systems pulling against each other: and his own opinion was, that the old system had much more chance of supplanting the new, than the new of supplanting the old. He would quote from the report of the commissioners some facts with regard to the reduction of the expense. He found that in 1834, prior to the passing of the act, there was paid for the relief of the poor, exclusive of all other expenses 6,317,000*l.*; and that in 1840, that amount was reduced to 4,576,000*l.*; showing that a sum of nearly 2,000,000*l.* per annum had been saved in

the simple administration of relief to the poor. And he was ready also to assert, without fear of contradiction, that out of that reduced sum now paid for the relief of the poor, the sums given in *bond fide* relief to the honest and deserving poor had increased rather than diminished. This was unquestionably an argument in favour of the working of the system, but it was also true that it had certainly tended to raise the character of the working classes of this country to an extent, that even by the most sanguine of its authors could scarcely have been expected. He now came to the powers of the Poor-law commissioners. Suppose their powers at an end, and that the guardians were the only persons having any authority over the unions. What would be the bearing that this would have upon the union officers whose appointment and dismissal stood now in this way? The appointment of all the officers of the unions was now left with the local bodies—they were left to exercise their discretion in appointing whom they pleased. But the law, at the same time, most wisely retained in the hands of the Poor-law commissioners, the power of dealing summarily with those union officers who misbehaved themselves. It had been charged against the commissioners that they had not used those powers as they ought to have done, but he could only say, that whenever they had been made acquainted with the misconduct of the union officers, they had not failed to investigate it with the utmost strictness, and either dismiss the officers, or show the public that they were not in fault. Last year they dismissed not less than seventy-five officers, besides accepting the resignations of others who were unwilling to incur the disgrace of being dismissed. It was well known, that the boards of guardians elected the officers in their several unions. He believed, that very few persons would hesitate to admit, that they almost always elected those persons in whom they had some personal interest, to the offices within their patronage. For instance, a man offers himself as the master of a workhouse, or relieving officer, or any other office, and he solicits the assistance of any guardian with whom he might be acquainted. The latter might be possessed of influence in the union, and might request those acting with him, to support the election of this person. If he took this part, and induced others to vote, it was natural to expect that under the same impulse, he would protect the candidate when elected. If, there-

fore, the House allowed this power to the board of guardians, and alone allowed them to remove the officers of a union, instances would soon occur of their retaining masters of workhouses, relieving officers, or others in their situations who had abused the trust reposed in them. For his own part, he thought it was one of the most important duties of the commissioners to superintend the proper appointment, or rather continuance, of the officers of a union, and to see that the boards of guardians did their duty in this respect. His hon. Friend, the Member for Finsbury, said, that he had no doubt, that if the several boards of guardians were left to themselves, they would not return to the erroneous and vicious system which formerly obtained. He had heard the same observations from other quarters, and had therefore taken the trouble to make inquiries on the subject of the commissioners, and he believed it would be admitted, that they had no reason to misrepresent what had occurred. They distinctly told him, that instead of the boards of guardians not falling back to the evils of the old system if the control which at present existed was removed, they had found that there had not been one of the abuses of the old system which they had not been urged to sanction by one board or another. For instance, several of the boards of guardians were very urgent that they should be allowed to give relief in aid of wages; others wished to give continuous out-door relief to non-resident paupers; while other boards of guardians were anxious to take the mothers of illegitimate children under their protection, and required that they should be allowed to go at large, while their offspring was to remain in the workhouse at the charge of the parish. There were several other evils which they had been requested to sanction; he therefore doubted very much whether the boards of guardians were able to work alone without the control of the commissioners. But supposing that they were, was the House prepared to say, after all the obloquy thrown on the commissioners, who were made responsible not only for all the faults of the boards of guardians, but also for the breaches of trust of the officers appointed by their boards—that these bodies would act independently if constant abuse and obloquy were to be cast on them? The House might rely upon it, if they set aside the central revision, all the evils that formerly existed would again arise, and that they would be compelled within a short time to resort to some new commis-

sion with increased powers. He therefore contended, that until they had established the working of the Poor-laws on some sure and certain basis, they must continue this central supervision. He did not say for what period this should be done, as that would more properly come under consideration when they proceeded to consider the details in the committee. All that he required of the House was to agree to the principle of the measure of 1834, and of which the continuance of the central authority was an essential part. He would not say anything as to the attacks made on the commissioners, and he should most cautiously abstain from any personal allusions as to those attacks, or to the quarters from whence they emanated, as he was most anxious to secure to the bill that calm and deliberate consideration which he trusted all parties would regard it worthy of; so that, in conclusion, they might secure the passing of a measure which, while it preserved a sufficient control to prevent the return to the old system, would, at the same time, in its administration tend to exalt the character of the labouring classes of this country, and also provide that relief for the infirm and the poor, which it must be in the breast of every Gentleman should be given to those whom he sees in a state of misery and destitution.

Sir E. Knatchbull could not agree with the hon. Gentleman who had just sat down, that he had no reason for exhibiting any partiality for this bill. The hon. Gentleman held an important station in the Home-office, from whence this bill emanated; he, therefore, might have spoken with more warmth than he probably intended in support of it. He agreed, however, with the hon. Gentleman, that it would be better to let the details of this bill be discussed in the committee; he should, therefore, confine the few observations which he intended to make to one or two important points. With respect to the new clauses in the present bill, there were very few of them to which he could give his full and cordial assent. He had hoped, when her Majesty's Government introduced this bill, apparently for the amendment of the Poor-laws, that they would not have confined themselves almost entirely to giving increased powers to the commissioners. He thought that, instead of strengthening the hands of the commissioners, they should have enabled them to proceed with less stringent enactments

than existed in the present law. He quite agreed with the hon. Gentleman, as a principle, that no payments in aid of wages should be paid out of the poor-rates; at the same time, under certain cases of immediate pressure, when parties were left destitute, and could not obtain an adequate rate of wages, he was of opinion that the commissioners or boards of guardians should be empowered to order temporary relief in cases where it was clear that the destitution did not arise from any fault of their own. At present, in many cases, he thought that there was unnecessary rigour in refusing out-door relief. He felt this to be particularly the case in the union in which he resided. The House was fully aware of the long continuance of the inclement weather; about a month ago several parties were thrown out of employ in a poor part of the country, near his residence, and, as they were without the means of support, they applied to the board of guardians for temporary relief. The board of guardians, which had generally set their faces against out-door relief, considered, in a case of such urgency, that they should be justified in departing from their usual rule, and they ordered an allowance to be made. The act, however, required that they should report their proceedings to the commissioners, and in reply they received a communication from these authorities of a very different character from what he thought they were justified in expecting. In this case there was no question that those who made the application were compelled to do so merely by the inclemency of the weather, which had driven them from their work; and they did not make any application until some time after the severity of the weather had forced them to abandon their usual employment. He should have stated, that all the persons to whom relief was given had wives and large families. The right hon. Baronet proceeded to read the letter from the Poor-law commissioners to the board of guardians of the Ashford union, of which the following is the substance:—

“That in consequence of numerous applications for relief from able-bodied paupers in the union of Ashford, and from the crowded state of the union workhouse, they had thought it expedient in several cases to order out-door relief. The commissioners therefore direct that, in cases of the continued application of these parties for relief, that the guardians should in the first instance admit the heads of

families into the workhouse, and give the families out-door relief. The commissioners also, to prevent the evasion of the test of the workhouses, deemed it right to notice that those heads of families should be subjected to task-work in the workhouses, or to task-work out of doors under proper superintendence.”

Now, he (Sir E. Knatchbull) thought that it was a very harsh proceeding to order the fathers to be taken into the workhouse, and to leave the mothers and children in a state of destitution out of it. Again, what was to be considered the test of the workhouse but the poverty of the parties? This was an unquestionable case of destitution; and in such cases he thought that a discretionary power might safely be given to the guardians to meet cases of this kind, and if this was not granted the greatest difficulties must be experienced in such cases in the working of the bill. With respect to task-work in the workhouse, it might do very well as a test for aged persons, but it would be absurd to apply this in-door work to able-bodied labourers. The commissioners, however, said, that out-of-door task-work might be allowed under proper superintendence. If a board of guardians were allowed to set able-bodied labourers to break stones in inclement weather, a discretionary power must be left them. For instance, the guardians must provide the stone for the purpose of task-labour; but in the present state of things, if there was no severe weather, the auditors would not allow the charge in the accounts for procuring the stone. He trusted, that these suggestions would be taken into consideration by the hon. Gentlemen opposite, and he had no doubt that in the progress of the bill many alterations would be recommended in other parts of it, which he also hoped would be attended to. He admitted that he entertained no doubt as to the prolonging the term of the commission for a few years. His right hon. Friend (Sir Robert Peel) thought that five years would be a sufficient period, while some hon. Gentlemen recommended three or four years; he did not think, that there was any material difference between these terms; but he thought that ten years was too long a time. He, however, admitted, that while there was such a diversity of opinion as to the mode of carrying out this measure, and when they recollected the different principles which had been acted upon in administering the new Poor-

law in various parts of the country, it was essential that they should have a central management. He felt, however, that the power of legislation given to the commissioners by this bill, ought to be restrained, and above all, when they recollected that that body, from its very nature, was unconstitutional. He should vote for the second reading of the bill, but he trusted that the noble Lord would consent to make alterations in several of its provisions.

Viscount *Howick* observed, that as he was one of those Members who thought the act of 1834 one of the most beneficial measures which had ever been carried, and that the commissioners who had framed the measure, and the Government who had carried it, deserved the gratitude of the country, it was gratifying to him to find that night, after the denunciations of the new Poor-law for so many months and years, both by the press and by hon. Gentlemen at elections, and at public meetings, and in after-dinner speeches, that those who had come to the House prepared to discuss the subject, and to defend the measure and the authors of it, did not find one single Member on either side of it—not even the mover or the seconder of the amendment—had given a single reason in favour of the old mode of administration, or had expressed a wish to return to the system which existed previous to the passing of the act of 1834. He had long since been convinced that this would be the case when hon. Members came seriously to look the matter in the face, and that there would not be found a single hon. Gentleman who would stand up in his place and state, that he would return to that system of poor-laws which was at the same time wasting the resources of the country and destroying the character of the labouring classes. He was sure, that no one who was acquainted with the old system would wish again to resort to the parish gravel pit and to the putting up to sale the labour of the parish without having any regard to the feelings of the labourer, but placing the steady, industrious man on the same footing with the idle and the profligate. Thus, a man who by his exertions had raised himself immediately above want, was placed, as regarded his labour, on the same footing as the most idle and improvident, until the pittance which he possessed was spent, and he was virtually told that he should resort to the beer-shop until all he possessed was squandered away, and then he would become a proper subject for

the consideration of the parish. He was alluding to facts which were clearly proved to have existed before the commission in 1834. In the reports then published, it was proved, that in numerous instances steady and provident labourers had been refused employment, merely because they had made some provision for themselves and families, and that they were often laughed at by persons in the same rank of life as themselves, who said, "what fools you are not to expend all you have at the beer-shop, and then go on the parish." This system was in point of fact reducing the British labourer to a situation worse than that of the Polish or Russian serf. Under these circumstances he had long felt confident that no one would long continue to defend the old system. His hon. Friend the Member for Finsbury, who strongly objected to many parts of the present system, said, that it would be absurd to go back to the old system. If, therefore, there was not a single Member who directly recommended the return to the old system, he hoped that the House would not be led by any indirect or concealed mode to return to the state of things which existed before 1834, and thus break down the system which succeeded to it. This inevitably would be the result of adopting some of the suggestions of the right hon. Baronet, the Member for Kent; for thus they would step by step restore the old system. The right hon. Baronet recommended that the new act should make provision for the relaxation of the laws relating to out-door relief, and he passed some severe censures on the commissioners for refusing to sanction an application on this subject from some union in Kent. Now he thought that the commissioners had acted upon a wise discretion; for it would be the first step to going back to the system under which a great portion of the labourers of the south of England were dependent, not on their own industry or exertions, but on parochial relief. The right hon. Baronet said, that there was no doubt of the poverty of these persons; but this was a very near-sighted view of the matter, for it completely lost sight of the effect that was produced by this being an example to others. He was desirous that the working classes in England should not consider it to be a light or trifling thing to become dependent on the bounty of others. Until a few years ago it was generally remarked that the English labourers were most unwilling to receive parochial relief, and he trusted that that feel-

ing would still be found to exist. For two centuries after the passing of the act of Elizabeth, it was well known that to become a pauper was held to be a reproach and a stigma, which the English peasant made every effort to avoid; there was hardly any sacrifice which he thought too great to enable him to escape from what he considered the degradation of being maintained, not by his own honest industry, but as a dependent on the bounty of others. This feeling was, unfortunately, broken down by an injudicious administration of the law, and by injudicious legislation; and the time when that feeling began to be broken down was the time when men came to have no objection to receive relief, but to look on it rather as a simple and ready resource when any pressure was felt, and from this time it was, too, that the abuses and evils of the Poor-law began. By the very constitution and nature of society, poverty in every rank—for there was poverty in the higher as well as in the lower classes—poverty was necessarily attended with privation and distress; but in both the higher and the lower classes, every man of true spirit and feeling, though poor, would endure great privation before he became dependent on the bounty of others, instead of on himself. What the right hon. Gentleman had recommended with respect to out-door relief showed, that he did not enter into the object of the present mode of administering relief to the able-bodied; but there was another point which he had not adverted to. He considered that one of the most useful effects of the system of administering relief to the able-bodied in time of pressure, in workhouses only, was this—that it not only induced the labourers themselves to make great efforts to avoid applying for relief, but it induced their employers and their wealthier neighbours to make every exertion to obtain work for them, before they suffered them to be driven to that alternative. If a parish saw, that it was likely to be burdened with the expense of maintaining a labourer and his family in the workhouse, it would make every possible effort to find him employment out of doors. The right hon. Baronet, the Member for Tamworth had adverted to the fact, that Devonshire, to which the hon. Member for Finsbury had referred as a part of the country where wages were exceedingly low, was a county in which out-of-door relief was more common than in any other county. He could state the converse of the proposition: in the county which he had

the honor to represent, even before the introduction of the new Poor-law, relief to the able-bodied and in aid of wages was not known; and instead of the miserable wages which the hon. Gentleman described as being paid in Devonshire, he was prepared to say, and he would appeal to the hon. Member for Durham for confirmation, that the labouring population in the county which he represented was in a situation of remarkable comfort and independence. While the price of many necessities was much lower there, while, among other things, the price of that most essential article, fuel, was one-fourth or one-fifth lower than in Devonshire, the wages were four or five shillings higher than they were represented to be in the latter county, and there, he would repeat, out-door relief to the able bodied, and in aid of wages, was never, and never had been, resorted to. Even at this moment of the greatest pressure he would venture to say, that in the union which he attended when in the county, there was not one able-bodied man in the reception of relief, or, if so, only as the inhabitant of a workhouse. Did not these facts tend to prove, that it was a mistaken principle—a most ill-judged benevolence—to think of giving relief out of the workhouse in individual cases, when by doing so, according to the best conclusions which could be drawn from experience, there was every reason to believe, that it materially contributed to lower and degrade the general character and condition of the labouring population? As there appeared to be a general consent to the present stage of the measure, he did not wish to go at any greater length into the argument; but this he must say, that he had heard with very great regret, what had fallen from the right hon. Member for Tamworth, with respect to the time for which it was proposed the commission should continue. If the system were a good one, if to enforce that system, and to prevent the evils of the former administration of the Poor-law again breaking out, was really an object worthy the attention of the House, he could not help thinking, that the soundest policy would be so to frame their measures, that they might satisfy men's minds that there was no hesitation, no shrinking on their part from acting steadily and consistently on the principles they had avowed. If they could not foresee, and that would be difficult for any man who had considered the reasons for continuing the commission—if they could not foresee the period when the commission would cease to be

necessary, he thought it would be a great misfortune for the House to encourage that most mischievous agitation which had been raised on this subject out of doors, by adopting the alteration suggested by the right hon. Baronet. It appeared to him, that the bill brought in by Government, proposing the continuance of the commission for ten years, that the mere fact of altering that period to five years, would, in the eyes of the country, show a certain degree of yielding, a certain degree of uncertainty, in the House on the subject, which would tend to encourage that agitation and cause much evil. For his part, he did not foresee any time at which it was likely the commission could cease. [*Cheers*] No, he could not foresee the time. The House would remember, that the act of 1834, as first brought in, contained no limitation as to the duration of the commission, and he was bound to say, that he considered it an ill-judged concession to a clamour which, if faced with a little more boldness, must soon have been put down, to limit the period to five years. He thought that they would have had less of that clamour which had been of so injurious a tendency, had they not limited the period; and he, for one, should have had no objection to continue the commission indefinitely; for it appeared to him, that there were many objects which this commission was intended to answer, that it was impossible could ever be at an end. In the first place, they had to take care that the law was enforced according to the intentions of the Legislature. He certainly thought it was very necessary that there should be some responsibility on the part of the boards of guardians, to some authority or other. It was of great advantage to the poor to have some authority for them to appeal to, in cases of complaints against masters of workhouses, relieving officers, or other administrators of the Poor-law, and it was further of the highest importance that there should be some authority, like the commission to assist and advise the boards of guardians in any cases of doubt which might arise. From his own experience as a member of one of these boards, limited as that experience was, he was convinced that very great benefits indeed accrued from such assistance; and, on the other hand, he had never known one single case of interference on the part of the commission from which the least evil had resulted. But not only this: it was known that the Poor-law commissioners had been the means of effecting a great saving under

the single head of litigation, by amicably arranging disputes between different unions, which, under the old law, would have come before a court of law. For these reasons, he regretted that the right hon. Baronet had suggested the limitation of the period to five years. With respect to the other clauses of the bill, he should avoid entering upon their discussion until a further stage of the proceedings. But he could not help observing that the hon. Member near him (Mr. T. Duncombe) had fallen into an error with respect to that clause relating to the control to which the rules issued by the commissioners were subject. The committee which sat on this subject, of which he (Lord Howick) was a member, did certainly point out that rules were not called general rules unless they were applied at the same time to more than one parish, and that rules applied individually to great numbers of parishes were not general rules, and that this was a great defect in the law. The object of the clause in the new bill was to put an end to that evil—to prevent those rules, which are not technically general rules, being adopted without being subjected to the consideration of her Majesty's Government. There was only one more observation which he was desirous to make, and that was in reference to the observations of the right hon. Baronet the Member for Tamworth, upon the subject of burial grounds, which this bill proposed to make behind the workhouses. He was aware that when the House should come to discuss the different clauses of the bill, would be the better period for considering this point more maturely; but, as he thought it might excite misapprehension in the public mind, that upon the advice of the Poor-law commissioners a clause had been introduced into the proposed measure to prevent the poor from being buried where their ancestors were interred before them, he thought it necessary to say a few words. He could not help thinking, that as he understood the interpretation of the clause, he viewed it in a different light from that which had been taken by the right hon. Gentleman. He considered, that the object of this clause was to meet an evil which existed in many parts of the country, and which he knew had been seriously complained of. That evil was, that in union workhouses it often happened that casual poor, and persons who were mere vagrants, were taken in there in a state of disease to die; and in burying them a great difficulty often arose, because these

union workhouses were generally in or adjoining market towns. Now the burial grounds of the parishes were generally insufficient for their own purposes. He knew that, in many instances, clergymen and guardians had made great complaints on this matter, which operated most seriously and inconveniently in consequence of the great number of casual poor and vagrants who were buried in the burial grounds, such poor having nothing whatever to do with the parish. He trusted, therefore, that it would not go forth to the country that there was the slightest intention on the part of the Poor-law commissioners, to adopt any regulation whatever, the effect of which should be to prevent the parochial poor who might die in the workhouse from being buried in the churchyard. No one who had looked at the speech of the noble Lord, on moving for the continuance of this act, could imagine that it was ever contemplated by the Poor-law commissioners that the settled poor of rural districts should be debarred from that to which they attached so much importance, namely, that of feeling secure that their bodies would repose by the side of their ancestors. For his own part, he, perhaps, ought to apologise to the House for having addressed them at so much length, more particularly as the opposition to the original motion before the House had dwindled down to so small an amount; but as he had always taken a warm interest in the Poor-law, he could not allow this debate to close without expressing his opinions on certain points.

Mr. *Darby* said, that though he was not disposed to oppose the motion for the second reading of this bill, yet he must express his hope that some measures of relaxation would be adopted by her Majesty's Government. He must, indeed, repeat the question which had been put, whether the pauper should be buried in his own parish churchyard or not. He could only say, that there was nothing on which the poor were so sensitive as this point. Nay, even those who were dissenters were buried within the churchyard, and whole families attended the Church on those occasions. He trusted the noble Lord would look to this clause. Again he begged to call the attention of the House to the case of unions of parishes. The operation of the New Poor-law Act had been to induce the guardians in many parishes to remove most of the inmates of their workhouses. He objected to this,

because, though he was aware that they must have a classification of persons in the workhouse, he nevertheless thought, that it was a very harsh proceeding to take children out of the house in which their parents were located. With respect to the proposed extension of the powers of this Act, he thought they should be confined to a limited period. It had been said, that certain orders which had been given were not general orders; but whether such were the fact or not, he contended that all orders should be laid before Parliament. And when the noble Lord spoke of a uniformity of system, he begged to say, that according to the present practical working of the machinery of the Poor-law Act, there was no uniformity whatever. The noble Lord had on a former occasion stated, that this law was founded upon the principle of the Act 43d of Elizabeth, and he had maintained, that in framing the present law they had followed out the principle of that statute. He would admit for the sake of argument (and for the sake of argument only), that every subsequent Act which had been passed in respect to the poor, was only an additional mischief; but he must say that the present law, and that of the 43d of Elizabeth, were in direct opposition. The principle of the Act of Elizabeth was, that in cases where a man could not maintain the whole of his family, you might give work to a part of his family. This was the opinion of the celebrated Mr. Justice Blackstone, who, in speaking of the office and duties of overseers of the poor, said:—

“Their office and duty, according to the same statute, are principally these:—1st, to raise competent sums for the necessary relief of the poor, impotent, old, blind, and such other being poor, and not able to work; and 2dly, to provide work for such as are able, and cannot otherwise get employment: but this latter part of their duty, which, according to the wise regulations of that salutary statute, should go hand in hand with the other, is now most shamefully neglected.” * * “The two objects of this statute seem to have been—1st, to relieve the impotent poor, and them only; 2ndly, to find employment for such as are able to work: and this principally by providing stocks of raw materials to be worked up at their separate homes, instead of accumulating all the poor in one common workhouse—a practice which puts the sober and diligent upon a level (in point of their earnings) with those who are dissolute and idle, depresses the laudable emulation of domestic industry

and neatness, and destroys all endearing family connections, the only felicity of the indigent."

Now he must confess, that the noble Lord's saying that this bill was framed precisely on the principle of the 43d of Elizabeth did astonish him. He admitted the extreme difficulty that there was in providing labour for the poor; but if they could find labour, and harder labour than agricultural labour, unquestionably he would prefer the labour test to the workhouse test. But the work must be harder than agricultural labour in order to be a test. The real difficulty he saw in the workhouse test was this—that persons who were indifferent to leaving their families and their homes, who knew that there was not very hard work in the workhouses, would in many instances go in and remain there; whilst those who did care about their homes, and who sought day after day for work, and were unfortunate, were compelled to live on the uncertain assistance they might receive. This was a great hardship; and when the noble Lord said that no difference ought to be made between the industrious and the idle, he thought the noble Lord was introducing the worst kind of confusion, moral confusion, into the minds of the community. His objection to the workhouse test was, that it did not try the industry of the party. If they merely offered the workhouse, the idle man would very often go into it, whilst the industrious man would not. He found in the Hitchin Union, that a man with his wife and five children cost 23s. a week, and this, where there was no house rent to pay, and where everything was bought at wholesale price, and for ready money; whereas a man living out of the house earned only 12s. a week, which added to what he could gain by his children's labour might amount to 15s. a week, so that out of the workhouse a man with five children was supported at a weekly cost of 15s., and in it at 23s. He found it difficult to understand how this fact could be reconciled to the statute of Elizabeth, which said, that where a man was unable to support his wife and family work should be given him. He admitted that great evils existed under the old system, evils which he was inclined to attribute principally to the incompetency of those engaged in the administration of the law; he did not allude to the magistrates, but to the overseers. He did not deny that the management had been sometimes

good, but no sooner was the good manager gone, than the overseers relapsed into the old system. He believed, that if this bill were renewed, it would be found that the labour test might be applied with success. He held in his hand a pamphlet, written before the New Poor-law came into operation, in which were some of the results of the labour test. Some labourers received 13s. 6d. a week, and some only 3s. Those who only received 3s. went away directly, whilst those who were willing to work were forthwith taken by the farmers. But the fault of the present system was this—that there might be a number of men out of work who were determined not to go into the workhouse, and who were allowed to remain out of work longer than necessary. In the workhouse with which he was acquainted the cost was only 4s. for each person per week. He had gone over that workhouse himself, and had found the regulations as good as possible—the children were well taught, and perfectly healthy and cleanly. He feared that there was but little chance of prevailing on the Government to adopt the labour test, however strong his conviction of its tendency to relieve the most industrious and best deserving class of the poor. He feared that the consequence of the present system would be to make pilferers of the children of the indigent. He certainly would not vote against the second reading of this bill, because he had always looked with satisfaction on the introduction of an act for the amendment of the Poor-law, and he wished distinctly to state, that he was opposed to any relaxation whatever which could by possibility lead to the relief of persons unwilling to work out of the poor-rates. There were one or two other things not subjects of the bill now before the House, but which he thought the noble Lord ought to provide for—one of these was the rating of small tenements. He felt satisfied that, whether before guardians or magistrates, it was utterly impossible to enforce the rate among paupers, persons whose only effects were their beds and their chairs. He would conclude by observing that, if he thought the bill was to remain in its present shape, he should not feel himself justified in voting for it.

Mr. *Rice* hoped that this bill would be materially altered and amended, without affecting the principle of the measure, which would give protection to the public

and to the poor; and he hoped also that all rules and regulations would be laid under the supervision of the Legislature. He was of opinion that the Poor-law could not be efficiently carried out without the establishment of some central board. The hon. Member for Finsbury, in seconding the amendment of the hon. Member for Maidstone, had stated many circumstances of a striking nature to show the difference between the operation of the present and the former Poor-law. If he could believe those statements, he would not support the present motion; but he must be permitted to doubt their accuracy. The right hon. Baronet the Member for Tamworth had made statements which ought to make an impression on the House the other way. In stating that where the wages were lowest the expenditure in out-door relief was highest, the right hon. Baronet alluded to the county of Devon, where the wages were so low as 7s. a week, and where there had been more money expended in out-door relief than in any other county. On the other hand, in the most eastern part of the county of Kent, where the out-door relief was less than in any other part of the county, the wages of the labourer were the highest, the average during the last three years being 12s. and 15s., and the standard now 14s. He was sure that in that district the able-bodied labourer was better off than he had been for many years, and he believed there was not a single able-bodied man in the workhouse. In his own parish the workhouse test had produced great advantages. In the parish of Eastwicke, the year before the new Poor-law was passed, there had been between twenty and thirty labourers employed by the parish on the highway. These men had little more to do than sit on the heaps of stones, yet each got 3d. a week more than the hard-working labourer who was employed by the farmer. But within two years after the new bill was passed a respectable gentleman stated that he had great difficulty in getting additional labourers to work in his garden. He would support the present bill because he believed its general object was to encourage the industrious labourers, and prevent large sums from being laid out for the maintenance of the indolent. He would ask the hon. Member for Finsbury whether, with all his objections, he could show that 2,000,000l. would not be better laid out by the New Poor-law than 4,000,000l. under the old ?

Let them examine the report of the Poor-law commissioners. The House would find that that work was compiled with feelings of honest duty, and a conviction that the system which they administered, had been, and would be, successful. He certainly hoped to see some amendments introduced into the present bill, first in fixing a term for the commissioners, and next in making the leading rules general ones. He also objected to the clauses which would empower the commissioners to have separate establishments for infants, and insane and infirm paupers. Infants should not be separated from their parents in the workhouse; though a separation might not be objected to in the case of orphans and deserted children, who sometimes constituted four fifths of the infant inhabitants of a workhouse. To the general principles of the bill he gave his consent, but in the hope that those and other important amendments would be introduced into it after the second reading.

Captain Pechell did not feel his objections to the measure diminished by all the amendments that had been spoken of. One of his strongest grounds of objection was, that this bill would annihilate 200 parish unions that were incorporated under Gilbert's Act, and take the management of their own parishes from those who had for fifty or sixty years successfully administered the affairs of their localities, to the satisfaction of the poor and the rate-payers. The Poor-law commissioners in endeavouring to persuade the noble Lord to demolish the independence of those parishes spoke highly of their desire for uniformity, but this was the only argument they could bring forth; they could not prove, that the administration of the poor-rate had been ineffective or improper under Gilbert's Incorporation Act. He had many documents which he should not trouble the House by quoting now, but which he should bring forward at a future stage, and show how excellently those parishes had managed the affairs of their own poor. He would also prove, when he should go more at length into the subject, how groundless was the charge of the Poor-law commissioners, that the guardians of those parishes were men without education, actuated by illiberal and selfish motives. The report of Messrs. Hawley and Hall had done great injustice to a respectable and exemplary body of yeomanry. The charges of the Poor-law commissioners

were as groundless against the management of parishes in towns under local acts as against parishes incorporated under Gilbert's Act. The force of their complaints might be judged of from one specimen. They complained of the parishes under Gilbert's Act as exerting a mischievous influence upon the neighbouring unions under the Poor-law commissioners. They described the labourer as being so happy in those parishes that he went to his work whistling like a bird. This was the language of Mr. Stephens. Now, where the noble Lord found a happy and contented yeomanry, a happy and contented peasantry, and landlords not petitioning for a dissolution of the incorporated system, ought he not to pause before he introduced his uniform system, seeing that it was wholly unnecessary? Ought he not also to hesitate before he invaded those towns that had been hitherto managed under local acts, to the satisfaction of both poor and rate-payers? Hoping that the noble Lord would let those districts alone, he would agree to the second reading.

Mr. *W. Attwood* amidst cries for a division said, having all along taken great interest in this question, and being one of those who, intending to vote against the second reading of this bill, must be content to come under the special reprobation of the noble Lord, the Member for Northumberland, he hoped he should be permitted to address a few observations to the House. If arguments were wanting against the second reading, he should find them in the speech of that noble Lord. Scarcely had any hon. Member addressed the House in support of the bill who did not qualify their advocacy by expressing a full expectation that very material ameliorations would be made in the committee; but what hope could now be entertained of those amendments, after the tone adopted by the noble Lord? Upon every occasion when this matter was debated a number of hon. Members came forward and expressed their opposition not merely to the principle of the bill, but also to the mode in which it had been carried into operation; and, in the hope that the expression of opinion in that House would have its due effect in mitigating the severity of the law, they were induced to offer no decided opposition to the measure. But had the commissioners adopted any one of these ameliorations? On the con-

trary, instead of executing the provisions of the bill with greater mildness, they were constantly giving the most unequivocal proofs of a determination to add to its severity, and carry it into operation with all the harshness of which its provisions were susceptible. The noble Lord, the Member for Northumberland, taunted those who opposed this bill with a disposition to support the abuses of the old system. He threw back the taunt upon the noble Lord, and asked him where would be the supporters of the present bill, if he regarded as such only those who approved entirely either the mode in which the Poor-law had been administered by the commissioners, or the form in which it was now sought to extend and perpetuate their powers? If the noble Lord excluded those who voted for the second reading in the hope of seeing some material amendments introduced in the committee, the bill would not, he was confident, have that majority in its favour which he feared they were condemned to witness to-night. Referring to the report of the commissioners, and the assistant commissioners, he found certain palpable indications of their determination to carry strictly into effect all those regulations on which the reprobation of the House had been most unequivocally expressed. The Under-Secretary for the Home Department had stated that the bill was founded on the suggestions of the committee which sat on the subject in 1838; but the committee had also recommended many alterations and amendments, not one of which had been adopted. If, therefore, the sanction of the committee were to be quoted on the one hand in favour of the measure, it afforded on the other unequivocal condemnation of the proceedings of the commissioners in not attending to those suggestions which had been unanimously recommended in the report. But the noble Lord, the Member for Northumberland, the unmitigated supporter of this bill, would have an indefinite prolongation of their powers. He wanted a sort of hereditary pachalic to be conferred upon the commissioners. He seemed to have the same objection to define the powers as to limit the duration of the commission. Perhaps, after all the noble Lord would be better pleased if the commissioners were allowed to provide for the administration of relief to the poor, only in such manner as they should themselves think

most expedient. Really, every discussion which took place upon this subject showed distinctly that there was no hope of obtaining any amelioration of this bill, and therefore he had no alternative but to oppose it entirely. If it were withdrawn, or if a pledge were given that the powers of the commissioners should be exercised with a degree of mildness which had been uniformly urged in that House, no advocate would be found for the abuses of the old system, and every disposition would be shown to support a system which would adequately provide relief to the sober and industrious but unfortunate poor.

Sir *E. Filmer* rose to oppose the second reading of the bill. He had no objection to an amendment of the Poor-laws; but when he found that the provisions of the bill before the House would not ameliorate the condition of the poor, he could not give his support to it. He could not, however, vote for the amendment for this reason, namely, that it would be putting a veto upon any amendment of the Poor-law during the present year. He merely rose to set himself right with his constituents. He thought that in very many cases, such as those of a man with a family, out-door relief might be very properly given. If such relief were given, men, instead of being driven to the workhouse in cases of momentary distress might be placed in a situation to act honestly by their country and by themselves, doing their duty to their families, and causing much less trouble than was caused by the present system. As he said before, he could neither vote for the amendment nor for the second reading of the bill.

Mr. *Langdale* begged to be allowed to make one or two observations upon a particular part of the question. In the first Session of the Parliament, he belonged to a committee which desired to enable the inmates of workhouses to go to their respective places of worship on the Sabbath day. The committee drew up a very strong resolution on this subject, and he had hoped that the bill of the noble Lord would have some clause embodying this desirable provision, for it was most unjust that inhabitants of workhouses should be kept months and years without ever being permitted to attend Divine worship at places of the persuasion to which they belonged. He regretted, that the noble Lord had overlooked that important point.

Therefore he should feel it his duty to move an amendment to meet this defect, either in the shape of a clause, or as an instruction to the committee. He should prefer introducing his amendment by way of a clause, or perhaps it would be better for him to wait for a more proper time, when he could move it by way of instruction to the committee, that some provision be made to the resolutions which had been unanimously agreed to by the committee, to the effect that it does seem highly desirable, on the Sabbath day, that the poor people inhabiting the workhouse should attend their respective houses of worship—that those who could not conscientiously join in the service of the Established Church should be allowed to go to their own places of worship. He thought such a clause would be only fair and reasonable, and he believed, that he might reckon upon the noble Lord's support in favour of it, who had introduced this amended bill into this House. In the detail of the report which had been drawn up by the noble chairman, great stress was laid upon this point. It was urged, and very properly so, that it was highly important that the poor should have the means of practising their religious duties. He did not object of course to those belonging to the Established Church, having every facility of performing their religious duties, but if they enjoyed so excellent a privilege, he thought it but fair and incumbent upon the framers of such a law, that they should allow all others the same privilege of attending on the Sabbath day their respective houses of worship. He wished to express his determination of pressing this clause upon the first fair opportunity, while he admitted that he would certainly vote for the second reading of this bill.

Mr. *James* said, [amidst calls to "divide."] that it was not on his own account that he was anxious to address the House, but on account of those he represented. He could state with confidence, that in the county with which he had the honour to be connected, the New Poor-law was working most beneficially, and he would say that the unpopularity with which it was met when it was first introduced, had almost entirely disappeared. Before the introduction of that law it was the practice in the county to give out-door relief to the able-bodied and their families in

the shape of money, house rent, clothing, and medical attendance; which, under the old law, proved to be so very expensive and full of abuse. With regard to the workhouses, in the old system, they were found most inefficient—not one in the whole county was found efficient from want of classification, employment and discipline. With regard to those parishes which had no workhouse, it was the practice to farm out the poor—to let, as it were, the sick, the aged, and the infirm by auction to any person who would bid for them. It was a sort of Dutch auction, whoever would bid the least, and take them into his house, was declared to be the contractor. He knew an instance of a person agreeing to take these unfortunate persons in as low as 1s. 3d. per head per week. The hon. Member who seconded the amendment seemed greatly opposed to the present system, but he would ask him what could be more torturing than the old system, under which people were literally starved to death by inches. The funds were frequently abused and corruptly applied, and there was a total want of uniformity throughout the entire country. It was almost universally admitted, that under the present system of unions, those evils had been entirely remedied, that the aged and the sick poor were infinitely more comfortable and better cared for; that children were better instructed, and that medical attendance was adequately administered, and in every respect, the comforts of the poor were better attended to than under the old system. By the by, he should say, that the large number of disorderly habitual paupers were now converted into independent, industrious, active labourers; and more than that, those benefits were admitted and acknowledged by the poor themselves. This new system had also effected a reduction in the expenditure of the different unions, varying from twenty-five to forty per cent. He admitted, that the separating aged married people was rather a severe and harsh measure, and he saw no great necessity for the enforcement of this part of the system. There were, however, evils attending every system, but upon the whole he was in favour of this bill. He had, through good report and evil report supported the principles of this bill, for the principles were undoubtedly good. He took it to be this, that the honest, hard-working, industrious man should not

be taxed for the support of the idle and the profligate. If it were proposed to give out-door relief as was the case under the old system, he considered that the security of property would be much endangered.

Mr. *Fielden* complained, that the committee, before whom inquiry had been made as to the operation of the Poor-laws, was a most unfair one. It was a committee in whose labours the people placed no confidence. Let there be a fair inquiry, and if the result should show that the price of labour had been raised under the new law, he would no longer offer any objection to it; but he knew the fact was the very reverse, and that was the reason why he was determined to oppose this bill by every means in his power.

Lord *J. Russell* said, that after the severe terms which had been used with respect to this bill, it was necessary for him to occupy the House for a short time, before proceeding to a division. One hon. Member, the Member for Finsbury, who had almost commenced this discussion, said, that this was an act based upon a ferocious and a savage principle; and another hon. Member stated, that while he was very anxious for inquiry, he was ready to oppose this bill in every shape and on every occasion. He considered, that this measure had met with a great deal of abuse, but with very little argument. In replying to some of the observations which had been made against it, he must claim the indulgence of the House. The hon. Member for Sussex had disputed the validity of an opinion which he had given upon this subject. He had stated the other night that this Poor-law Amendment Act was founded upon the principle of the law of Elizabeth; and to prove, that he was mistaken in such an assertion, the hon. Member had quoted a passage from Blackstone; but whatever might be Blackstone's opinions to the contrary, upon a great question like this, he begged leave to differ from Mr. Justice Blackstone. It appeared to him, that this amended bill was founded clearly upon the principle of Elizabeth. He held the principle of Elizabeth to be this—that, with regard to the old, the infirm, and the helpless, that relief should be given by the State. To the able-bodied relief should also be given when in distress, but in this case due precaution should be observed as to whether destitution had really existed or not. With respect to the aged and infirm, no further inquiry was necessary to be made, but with

respect to the able-bodied, it should be ascertained whether those were persons who were really suffering from destitution and want, or preferred living in idleness and receiving alms, to seeking for employment, and earning their bread by their industry. The act of Elizabeth pointed out the mode even in which relief should be administered, but this was for a period when there were few manufactories, and a large population wandering about the country—when it was not easy to find out employment for the poor, and at a time, even, when the wool of England used to be sent into Tuscany to be manufactured. They must, however, now act according to the circumstances of the country, and their own time. The aspect of the country was now very different from what it was then. All kinds of manufactures have been since established, and every species of labour and employment was practised with great skill and industry in this country, which opened a large field for the employment of the able-bodied poor. They must, at the same time, take care that they did not preserve regulations which would set up rivals on parish pay to interfere with competent workmen. The same principle had been acted on in 1795, by the Duke of Wellington, then holding a command in the East Indies, who laid down, as clearly as possible, rules which were in effect the basis both of the Act of Elizabeth, and the Poor-law Amendment Act. A great famine had occurred, and it became necessary that relief should be given to the destitute population. The noble Lord read a minute by the noble Duke, in which it was stated, that those who suffered from the famine might be divided into two classes—those who could, and those who could not, work. For the former class, employment should be found; those who could not work ought to be taken to the hospital and fed, and receive medical assistance at the expense of the public. Above all, the principle must be adhered to, that no able-bodied person should be relieved who was not willing to work. In this passage, continued the noble Lord, we see clearly pointed out the necessity of some test by which those who sought relief from the mere wish to avoid work and live in idleness, should be distinguished from those who were willing to submit to labour. The hon. Gentleman, the Member for Sussex, said, that labour procured outside of the workhouse was a better test than what was afforded the poor within. Now, this was a point which

he did not think necessary on the second reading of this bill to discuss. He would merely, in proceeding further with his observations, remark that there might be some argument in that assertion, for he should suppose, that hand labour, given with discretion, might be a test fully equal to the workhouse test; but he must say, from his individual experience, and from that of others who possessed the greatest knowledge of the poor, that the most efficient and successful method of relieving parishes extensively pauperised, was by the workhouse system; and the House would find, that the most of those gentlemen who had made it their study to inquire into this subject, had come to the opinion, that the workhouse test was decidedly the best. The House would find their experience and their evidence upon the subject in the report which had been agreed to by the committee of inquiry. While that committee had recommended that there should be established a general board to administer the laws, it likewise recommended that the relief given should be on the workhouse test. What was the principle of that system? The principle was, that relief should be given to the destitute. The next question, then, for them to consider was, whether in the mode of giving relief to the destitute, they could make any great improvement. He was not now speaking as to the advantages of workhouse relief before any other, but to know whether any relaxations could be made in the present provisions of the bill. Now, although he had heard many hard names and severe terms applied to the commissioners, he had never heard one suggestion made for an alteration in this particular part of the system, that would not bring them back to the former state of things connected with the abuses of the original law. No man was better able to judge of this matter, or more acquainted with the practice followed in different localities, than the right hon. Member for Kent (Sir E. Knatchbull), who had stated pointedly in what respect he differed from the commissioners. The right hon. Gentleman differed from the advice they had given that in certain cases of labourers being thrown out of employment, the parties should either be sent to the workhouse, or the heads of families should be sent there and employed on some labour, or they should be employed on some labour in the neighbourhood of the workhouse, but outside its doors. The right hon. Member for Kent thought that in a peculiarly severe winter like the

present, when the poor could not obtain work, the commissioners might have relaxed their rules, and allowed the poor to be relieved in their own houses without any further inquiry than the mere ascertainment of the fact of their being without work. He thought, however, if they were to act on that opinion, they would never be able to prevent the old abuses, or maintain the principle of the amended law. In the very next winter after you should have done so the same application would be made, the same complaints would be renewed: it would be said that though the winter might not be as severe as the last, still the men were destitute, without work or wages, and the consequence at length would be, that you would revive all the other evils of the former system. He was of opinion with his noble Friend the Member for Northumberland (Viscount Howick) that there was very great danger of giving way in this respect. Many changes were proposed to which separately it might seem harsh not to agree, and yet, if you did, you would, step by step, return to all the evils from which the new law had delivered the country. The hon. Member for Finsbury (Mr. Wakley) and others who had spoken had described this law as very severe to the poor. The word "poor" was one which might conveniently be used both of labourers receiving wages and of paupers. What he said was, that the law was for the benefit of the industrious labourers of this country, and that the old state of things, passing over now the great waste, passing over the destruction of property which it would in the end have occasioned, passing over the general idleness and demoralization which it induced, had for one of its worst effects the destruction of the welfare of the industrious labourers. He took this fact on the authority of magistrates, farmers, overseers, and others; and, in the original report, which received the sanction of the Bishops of London and Chester, of Mr. Senior, and many other members of the commission of inquiry, who were not members of the present commission, numerous cases were detailed, in which labourers gave their views of the injurious effects which the ancient state of things produced to themselves. Some of them stated, that

"The farmers had refused to pay able-bodied labourers the full prices, in consequence of their being able to go to the overseers of the poor and obtain from them labourers at nearly half the full rate of wages, the residue to be paid out of the poor-rates by the shopkeepers and landowners—that the idle were

encouraged to the prejudice and ruin of the industrious labourer."

In a vast number of parishes, especially in the southern, western, and some of the midland districts, the labourers were kept under the old system in a state of great distress, many of them receiving money from the parish rates on account of the numbers of their family, in virtue of some such law as that made in a meeting of magistrates at Speenhamland in 1795, which depressed industry. In consequence they often became heartbroken, living on the public alms, because they found it impossible with all their labour to earn a decent subsistence. For the sake of the labourers he now asked them not to recall into existence the system by which they had suffered. If they suffered the law to be broken down, the superintendence of the commissioners to be slackened, such were the facilities and temptations to abuse of the old system, that the pernicious effects of it would speedily again be experienced. He could not think, after all the testimony which had been adduced as to the comparative operation of the two systems, that they were injuring, instead of benefiting the poor, by keeping up the law. He believed the best thing that could be done for the labourer was to give him every possible facility to obtain employment, and to take care that his wages should be the result of a fair contract between his employer and himself, for labour performed. But if under the guise of improvement you again permitted the labourers to live on charity, and reduced them to their former state of dependence, although the proceeding might have an air of popularity at first, and be lauded by many persons as showing great benevolence, you would, in fact, destroy the moral character of the labourer; you would weaken his strength, and undermine his integrity; you would lay the foundation of a great overgrown population, whom your laws could not restrain, whom even the sanctions of religion would be hardly able to curb into obedience, and you would be taking the surest means to ruin the foundation of society. With respect to the proposition of the right hon. Member for Tamworth to limit the duration of the commission to five years, he should be extremely sorry to see it adopted. The present was now a fitting time for Parliament to say whether or not it would pronounce its approval of this system. He believed the commissioners were fully as much as was necessary under the control of Parliament. It was in the power of the Crown to remove any one of

them, and it was quite impossible that their conduct should be opened to much well-founded censure without taking it out of the power of Government to defend them. By making this limitation their authority would be weakened; it would be said that it was not intended by Parliament again to renew the law, and that there was such a general dissatisfaction with it as to render its repeal inevitable. After the bill went into committee, he should be ready to hear and consider any proposals for its amendment, but he should look with great jealousy at any one that went to impair the principle of what he looked upon as a most humane and most benevolent law.

The House divided on the original question. Ayes 201; Noes 54; Majority 147.

List of the AYES.

Acland, T. D.	Cowper, hon. W. F.
A'Court, Captain	Crawford, W.
Adam, Admiral	Currie, R.
Ainsworth, P.	Dalmeny, Lord
Alston, R.	Damer, hon. D.
Anson, hon. C.	Darby G.
Baker, E.	Divett, E.
Baring, rt. hn. F. T.	Dundas, F.
Baring, hon. W. B.	Dundas, D.
Barnard, E. G.	Eaton, R. J.
Barrington, Viscount	Ellice, right hon. E.
Basset, J.	Ellice, E.
Bentinck Lord G.	Erle, W.
Berkeley, hon. H.	Ewart, W.
Berkeley, hon. C.	Ferguson, R.
Bernal, R.	Fitzroy, Lord C.
Bewes, T.	Fort, J.
Blake, W. J.	Fremantle, Sir T.
Blennerhasset, A.	Gladstone, W. E.
Bodkin, J. J.	Gladstone, J. N.
Botfield, B.	Glynne, Sir S. R.
Bramston, T. W.	Coulburn, rt. hn. H.
Bridgeman, H.	Graham, rt. hn. Sir J.
Briscoe, J. I.	Grant, Sir A. C.
Brodie, W. R.	Greene, T.
Bruges, W. H. L.	Greg, R. H.
Buller, C.	Grey, rt. hn. Sir C.
Buller, E.	Grey, rt. hn. Sir G.
Buller, Sir J. Y.	Grote, G.
Bulwer, Sir L.	Harcourt, G. S.
Busfield, W.	Hardinge, right hon.
Campbell, Sir J.	Sir H.
Canning, rt. hn. Sir S.	Harland, W. C.
Cantilupé, Viscount	Hastie, A.
Carew, hon. R. S.	Hawes, B.
Chalmers, P.	Hawkins, J. H.
Chichester, Sir B.	Hayter, W. G.
Chute, W. L. W.	Heron, Sir R.
Clay, W.	Herries, rt. hn. J. C.
Clements, Viscount	Hill, Lord A. M. C.
Clive, E. B.	Hobhouse, right hon.
Clive, hon. R. H.	Sir J.
Collier, J.	Hobhouse, T. B.
Coote, Sir C. H.	Hogg, J. W.
Corbally, M. E.	Hope, hon. C.

Horsman, E.	Rawdon, Col. J. D.
Howard, hn. E. G. G.	Redington, T. N.
Howard, F. J.	Rice, E. R.
Howard, hn. C. W. G.	Rich, H.
Howick, Viscount	Rickford, W.
Hume, J.	Rose, rt. hn. Sir G.
Hutt, W.	Rushbrooke, Colonel
Hutton, R.	Russell, Lord J.
Ingham, R.	Russell, Lord C.
Inglis, Sir R. H.	Rutherford, rt. hn. A.
James, W.	Salwey, Colonel
Knatchbull, right hn.	Sandon, Viscount
Sir E.	Sanford, E. A.
Knight, H. G.	Serape, G. P.
Labouchere, rt. hn. H.	Seale, Sir J. H.
Langdale, hon. C.	Seymour, Lord
Lascelles, hon. W. S.	Shaw, right hon. F.
Lemon, Sir C.	Sheil, rt. hn. R. L.
Lennox, Lord G.	Sheil, R. A.
Litton, E.	Smith, J. A.
Loch, J.	Smith, R. V.
Lowther, J. H.	Somerset, Lord G.
Lushington, C.	Stanley, Lord
Lushington, rt. hn. S.	Stanley, hon. W. O.
Macaulay, rt. hn. T. B.	Stansfield, W. R. C.
Macnamara, Major	Staunton, Sir G. T.
Marshall, W.	Steuart, R.
Martin, J.	Stuart, Lord J.
Melgund, Viscount	Stuart, W. V.
Morpeth, Viscount	Stock, Mr. Serjeant
Morris, D.	Strickland, Sir G.
Morrison, J.	Strutt, E.
Muskett, G. A.	Style, Sir C.
Nagle, Sir R.	Surrey, Earl of
Nicholl, J.	Talfourd, Mr. Serjeant
Norrees, Lord	Tancred, H. W.
O'Brien, C.	Teignmouth, Lord
O'Brien, W. S.	Thornely, T.
O'Connell, M. J.	Trotter, J.
O'Ferrall, R. M.	Troubridge, Sir E. T.
Ord, W.	Tufnell, H.
Ossulston, Lord	Villiers, hon. C. P.
Paget, Lord A.	Vivian, Major C.
Paget, F.	Vivian, rt. hn. Sir R. H.
Pakington, J. S.	Warburton, H.
Palmerston, Viscount	Ward, H. G.
Parker, J.	Welby, G. E.
Parnell, rt. hn. Sir H.	Westenra, hn. H. R.
Pattison, J.	White, A.
Peel, rt. hn. Sir R.	Wood, Colonel T.
Pendarves, E. W. W.	Wood, B.
Philips, M.	Worsley, Lord
Pigot, right hon. D.	Wrightson, W. B.
Plumptre, J. P.	Wyse, T.
Ponsonby, C. F. A. C.	Young, J.
Power, J.	
Praed, W. T.	
Protheroe, E.	
Pryme, G.	

TELLERS.

Maule, hon. F.
Stanley, hon. E. J.

List of the NOES.

Archdall, M.	Brotherton, J.
Attwood, W.	Brownrigg, S.
Baldwin, C. B.	Burr, H.
Bell, M.	Copeland, Alderman
Blackstone, W. S.	Dalrymple, Sir A.
Broadwood, H.	Dick, Q.

Douglas, Sir C. E.	Irton, S.
Duke, Sir J.	Jervis, J.
Duncombe, T.	Johnson, General
Duncombe, hon. W.	Leader, J. T.
Duncombe, hon. A.	Liddell, hon. H. T.
Egerton, W. T.	Monypenny, T. G.
Etwall, R.	Muntz, G. F.
Evans, Sir De L.	O'Connell, D.
Fielden, W.	O'Connell, J.
Fielden, J.	Pechell, Captain
Fitzroy, hon. H.	Pigot, R.
Godson, R.	Polhill, F.
Gore, O. J. R.	Richards, R.
Goring, H. D.	Rushout, G.
Grimsditch, T.	Sibthorp, Colonel
Halford, H.	Spry, Sir S. T.
Hawkes, T.	Stanley, E.
Heathcoat, J.	Thompson, Mr. Ald.
Hinde, J. H.	Williams, W.
Hindley, C.	
Hodges, T. L.	TELLERS.
Hodgson, F.	D'Israeli, D.
Hodgson, R.	Wakley, T.

Bill read a second time.

HOUSE OF LORDS,

Tuesday, February 9, 1841.

LORD KEANE.—ADDRESS TO THE CROWN.] Viscount Melbourne having moved the Order of the Day, and the message from the Crown brought down yesterday having been read, said: I beg leave to call your Lordships' attention to her Majesty's gracious message, and I feel perfectly certain that it would be unnecessary for me to state in detail the grounds and reasons on which her Majesty was advised to send down that message to your Lordships, or the grounds and reasons on which I shall move your Lordships that an address to her Majesty be agreed to entirely in concurrence with that message. When your Lordships recollect the services to which that message refers; when your Lordships recollect the unanimous vote of thanks given by Parliament for those services, and the honours conferred on those who rendered them, with the concurrence and consent of your Lordships and of the whole community, I apprehend that your Lordships will be inclined to ask rather why this proceeding has been so long delayed, than why it has been brought forward now. Into the reasons of that delay it is not my intention to enter, nor do I conceive it necessary: but I must say this much, that the delay has not arisen from any doubt whatever on the part of her Majesty's Government whether it were fitting and proper to mark

those services in the manner in which it is now proposed. Lord Kean is a soldier who has commanded her Majesty's forces in every part of the world, and having shown on all occasions the greatest talents, firmness and decision, he was selected for the high situation of lieutenant-general of her Majesty's army in India, and, by a concurrence of circumstances, intrusted with the command of the great expedition undertaken across the Indus—an expedition in the conduct of which, though he had great and almost unparalleled difficulties to contend with, he displayed a firmness, resolution, skill, and energy, which led to the most happy and fortunate conclusion. It is for these services that the honours already granted have been conferred on Lord Keane, and in consequence of which I am now about to move the address with which I mean to conclude, for your Lordships' sanction and concurrence. By the practice and usage of Parliament it is not for your Lordships to originate the measure to which this message refers; but I feel certain I am not anticipating too much when I expect your Lordships' unanimous declaration of your ready concurrence in those measures which will be necessary to signalize those services in the manner pointed out by her Majesty. The noble Viscount concluded by moving, that a humble address be presented to her Majesty, assuring her Majesty that their Lordships would cheerfully concur in such measures as were necessary to accomplish the object pointed out in her Majesty's message.

Lord Ellenborough: I most cordially concur in this address, but I must express my surprise (and I think the noble Viscount admits the justice of my doing so), that it has been so long delayed, whatever be the cause. I entirely agree with the noble Viscount in thinking, that the honours which have been conferred have been most fully deserved, and in coming to that opinion I do not look solely to the brilliant exploit by which the noble Lord, in a remarkably short time, got possession of Ghuznee, however great the decision with which he carried that formidable fortress. What I regard with most admiration in his conduct is the fortitude of mind and character which enabled him to face the unparalleled difficulties he had to overcome in the long march where he was exposed to such hazardous passes as the Bolan. It is not so much where all men

share a common danger that the real scope of a general's character is displayed; it is when the sole responsibility for the fate of a great army rests on one man in the midst of difficulties and dangers. In that difficulty Lord Keane was placed, and from that difficulty he emerged with honour. My Lords, I look on the honours conferred on Lord Keane as not only conferred on himself, but on the gallant army which he commanded. There may have been occasions equally distinguished for assaults of fortresses and the gaining of battles by the army in India, but, though its present success may have been equalled, it could not have been surpassed. And this I will say, that so far as I am acquainted with military history there has been no occasion where the whole body of a great army in the prosecution of enterprises so great, and of such continued difficulties, have displayed, in such trying circumstances, the highest military qualities to be found in any army—patience, endurance of fatigue, submission to privations, (and amongst these, the greatest of all, want of food and water), and a perseverance in every enterprise which the commander directed, or the necessities of the army imposed. Above all, this army has been remarkable for that perfect discipline and good treatment of the people of the country through which it passed, which enabled them to achieve the great objects they had in view, by preserving their own health and efficiency. These are the high military qualities which have ever distinguished the army in India, and which led my noble Friend (the Duke of Wellington), in speaking of it, some time back, to observe, that it came nearer to his idea of what a Roman legion was, than any army he had ever seen. No higher compliment could be paid any army, and I trust it will ever deserve it.

Address agreed to.

HOUSE OF COMMONS,

Tuesday, February 9, 1841.

MINUTES.] Bills. Read a first time:—Administration of Justice (No. 2); Jews Declaration.

Petitions presented. By Colonel Sibthorp, from Lincoln, in favour of the Small Debts Courts' Bill.—By Sir J. Y. Buller, from a Board of Guardians in Devonshire, for the Amendment of the Laws relating to the Poor.—By Sir R. Inglis, from a Wesleyan Congregation, and from the Clergy of the Deanery of Dunstable, for additional Church Accommodation.—By Mr. Colquhoun, from Kilmarnock, for the Abolition of Lay Patronage in the Church of Scotland.—By Mr. F. H. Berkeley, from the Merchants of Bristol, against the Equalization of the Duties

on East and West India Sugar.—By Mr. F. Maule, from Glasgow, and other places, for the Abolition of the Patronage in the Church of Scotland.—By Mr. Colquhoun, Mr. O'Connell, and Mr. E. Tennent, from Paisley, Glasgow, and Manchester, in favour of the Copyright of Designs Bill.

SLAVERY IN THE EAST INDIES.] Sir S. Lushington wished to ask the right hon. Gentleman, at the head of the Board of Control, whether any despatches had been received with respect to the state of slavery in India, and whether he would consent to lay such despatches upon the Table of the House.

Sir John Hobhouse replied, that since the papers received in July, 1838, were laid upon the Table of the House, a correspondence had been carried on between the home Government and the Government in India, and he would have no objection whatever to lay the correspondence before the House.

TEXAS.] Mr. O'Connell inquired if the noble Lord, the Secretary for Foreign Affairs, had any objection to lay before the House the treaty which had been concluded with Texas.

Viscount Palmerston replied, that of course it would not be laid upon the Table until it had been ratified.

MR. M'LEOD—UNITED STATES.] Lord Stanley said, that yesterday he had asked the noble Secretary for Foreign Affairs, if he had any objection to lay upon the Table of the House the correspondence that had taken place with the United States since 1837, relative to the seizure of the Caroline; also whether he would lay upon the Table the correspondence that had taken place in respect of the apprehension, in the state of New York, of Mr. M'Leod, a British subject. The noble Lord had then stated, that he did object to the production of the correspondence with regard to these two subjects, but that he had no objection to lay before the House so much of the correspondence on the latter case as had been published in the American papers, inasmuch as it had been laid before Congress. Now he would submit to the noble Lord that he should re-consider his answer. At all events, the production of the correspondence in that form would be a matter for the noble Lord's discretion. He had asked for the whole correspondence; he had not asked for a partial correspondence

to be produced, on the ground not that it contained the facts as they actually stood, but that it had been made public through some irregular medium. He thought, that the production of those papers in that form would establish an improper precedent, and would place the case on a footing that might be greatly liable to misunderstanding as regarded this country in the eyes of her colonies. He wished also for a more explicit answer to a question which was asked yesterday, namely, whether her Majesty's Government had taken any steps, and if so, what steps, as regarded the liberation of Mr. M'Leod. The noble Lord had told him—he believed these were his Lordship's exact words—that her Majesty's Government would, and indeed had taken such steps as they thought necessary on the subject. He did not ask them what steps they had taken, if the noble Lord thought proper to withhold that information, but he did ask him whether he had taken such steps for the protection and liberation of Mr. M'Leod (who had been apprehended on the 12th of November, 1840) as would be effectual in point of time in reference to the proceedings then going on. He wished to ask that question, and also to give the explanation, though he did not wish to press for the production of papers, nor did he ask for them when they did not give the whole information. He was aware of the responsibility which attached to any Member calling upon the Government for papers which they were not willing on public grounds, to produce. At the same time, he reserved to himself the future expression of his opinions upon the subject, and the full right of pressing upon the Government at another time for the part and whole of the correspondence.

Viscount *Palmerston* replied, that when he stated yesterday, that he could have no reasonable ground of objection to the production of papers which had already been laid before Congress, and published, he did not intimate any intention, on the part of Government, to lay those papers on the Table of the House of its own accord. He thought the noble Lord, for the reasons he himself had stated, had exercised a sound discretion in not pressing for the production of those papers.

Lord *Stanley* observed he had not asked for a part—he had asked for the whole.

Viscount *Palmerston* : With respect to

the other question, what he had stated was this :—A case of a somewhat similar nature happened, or was expected to happen, a year or a year and a half ago ; and upon that occasion instructions were sent out to Mr. Fox, laying down what the Government thought were sound principles to meet the emergency. At that time, it was rendered unnecessary to act upon the instructions ; but the case having now actually occurred, Mr. Fox, without waiting for further instructions from home, acted upon the former instructions, and made a demand upon the American government for the liberation of Mr. M'Leod. He then reported the whole case to her Majesty's Ministers, but from various causes that communication had been much longer on its passage than usual, and it was only a few days ago that he had received the final portion of the correspondence which had taken place between Mr. Fox and the American government — it was, therefore, only that day that an opportunity had presented itself for sending out final and conclusive instructions—they were then ready prepared and were on the point of being sent off ; but what the nature of those instructions was, neither the noble Lord nor the House would then expect him to say. He repeated, Mr. Fox had founded his remonstrances with the American government upon instructions sent him by the British Government, respecting a case of a similar nature, which it was feared would have occurred.

Lord *Stanley* : The noble Lord did not answer my question. I wish to understand whether the noble Lord has or has not, up to this time, since the 12th of November, sent out to the British Minister, at Washington any specific instructions as to the protection and liberation of Mr. M'Leod.

Viscount *Palmerston* said, that the instructions to Mr. Fox were precisely to the same effect as those which were stated as having been given in the former case. It was not till Saturday last that the government had received from Mr. Fox the report of his last correspondence with the government of the United States, and he repeated that to-day was the first on which instructions could be sent to Mr. Fox.

Mr. *Hume* wished to put a question to the noble Lord. He held in his hand a paper purporting to be a general order issued and signed by Colonel M'Nab, the

general tendency of which was, that the Lieutenant-Governor approved in the highest degree of the destruction of the steam-boat *Caroline*, and offered his thanks to Captain *Drew*, and those under his command, including the volunteers, for the creditable manner in which the feat was performed. The question which he (Mr. *Hume*) wished to put was, whether that paper had been communicated to her Majesty's Government and whether her Majesty's Government had signified their approbation of the act?

Lord *John Russell* replied, that the communication quoted by the hon. Member had been made by order of the Lieutenant Governor, who stated that he approved of the act done. The Lieutenant Governor then reported the circumstances to her Majesty's Government, who received a counter-statement from the American government. As to whether her Majesty's Government approved of the act, his noble Friend had already answered that question.

Mr. *T. Duncombe* wished to know whether the Government had adopted the acts of Captain *Drew*, who had acted under the orders of Sir *Francis Head*, as their own. He thought the House ought to know whether they had given or withheld their approbation of that act.

Viscount *Palmerston*: If the hon. Gentleman means to ask whether this Government do or do not consider the capture of the *Caroline* to have been a justifiable proceeding, I answer that her Majesty's Government do consider it, under the circumstances, to have been a proceeding perfectly justifiable by the consideration of the necessity of defending her Majesty's territory.

Mr. *Hume* then asked whether her Majesty's Ministers had ever signified that opinion to the Government of the United States in any way?

Viscount *Palmerston*: That opinion has been submitted both to the Minister of the United States here, and, I believe, by Mr. *Fox* to the American government. Conversation at an end.

MR. BLACKER.] Mr. *Shaw* begged, the indulgence of the House while he referred to a matter that was personal to a gentleman of high respectability, holding an important judicial office in Ireland: he meant Mr. *Blacker*. The hon. and learned Member for Dublin, when speak-

ing on the bill for registration of voters, had said, in order to show that Mr. *Blacker* was one likely to take a stringent and unpopular view of the franchise, that Mr. *Blacker* had worn an Orange badge when on the circuit as a barrister. At the moment when the charge was made, he and those Gentlemen around him who knew Mr. *Blacker*, felt convinced that it was unfounded; but he would now read a short passage from a letter which he had received on the subject from Mr. *Blacker* himself. The passage was as follows:—

"I gave up in 1826 going the circuit, and never, either before or since, have belonged to any political society of any description, or worn any badge, whether Orange or not, either on the circuit or elsewhere. The charge, therefore, is not only unfounded in fact, but is contrary to all my habits."

Mr. Sergeant *Jackson* stated, that he had received a letter from Mr. *Blacker* to the same effect.

Sir *R. Bateson* said, he had known Mr. *Blacker* for many years, and he felt authorized by that long acquaintance to state that the insinuation of the hon. and learned Member for Dublin was perfectly unfounded.

DRAINAGE OF LANDS (IRELAND.)]
Viscount *Morpeth* rose pursuant to notice to move for leave to bring in a bill to amend the laws relating to the drainage of lands in Ireland. It was proposed by this bill, which corresponded in its objects and almost in all its clauses with the bill of the last Session, to promote the welfare of Ireland, more particularly in respect to its agriculture. The projected sites for draining, were, upon careful survey, to be determined on by the proper authorities for conducting such inquiries. The duty of conducting them to completion would devolve, of course, upon the board of works in Ireland, which would be at liberty to recommend that persons willing to undertake the drainage of certain districts should be allowed advances of money, to carry these partial drainages into execution, upon approved security. He thought that with modesty he might say, though the author of the bill, that it was a measure which, if carried into effect, promised to effect quietly and without exciting either hostility or apprehension, more good for Ireland and more permanent relief for her population in the way of affording a stimulus to industry and

means of employment for thousands of unemployed hands than had been effected by measures of greater 'pretension and more sounding name. He had little doubt in his own mind, that though it would not equally excite and agitate the public mind in Ireland, as the Irish registration bill of his noble Friend or that which he had originated, it would do more good for the people of that country, than either his noble Friend's bill on registration or his own; and satisfied he perfectly was that it could never experience as much opposition from any quarter, as either his noble Friend's registration bill or his own. The noble Lord concluded by moving that leave be given to bring in a bill to promote the drainage of lands in Ireland to promote navigation, and increase the facilities of communication, by means of water-carriage.

Mr. Goulburn thought it necessary the House should be apprised that it was likely, if the bill passed, they would be called upon to advance money belonging to the public for the purpose of carrying it into effect. If the noble Lord contemplated that by the present bill there would be such a call made on the public, as would occasion an increase in our unfunded debt, he must protest against any such improvident project, more particularly in our present embarrassed financial situation.

Viscount Morpeth said, it was not in his contemplation to make any call upon the public for a grant of public money, but he saw no reason why persons or companies engaging in these undertakings, pursuant to the plan of the Irish Government, should not be permitted, like any other class of enterprising persons, to obtain loans of money upon good security.

Mr. Shaw conceived that the most desirable object to follow, for the sake of Ireland was, the promotion of its agriculture, for which she was eminently adapted, in consequence of the great field open for exertion and enterprise in the waste lands and bogs of that country, and the abundant supply of labour at a cheap rate. After the agitation that had been got up on the subject of the exclusive consumption of articles of Irish fabric and manufacture, it was not very probable that anything attempted by its Government to increase the commerce of Ireland could be very effective.

Mr. O'Connell thought he had just rea-

son to complain of the course that had been taken by the two right hon. Gentlemen, who had seized upon the occasion of the noble Lord's moving merely for leave to bring in a bill, to read the House two distinct lectures on trade and finance. He hardly expected to have found any right hon. Member much excited by another project being broached for the draining of Ireland—a process with which every English Minister, it must be confessed, was very familiar. The jealousy of the right hon. ex-Chancellor of the Exchequer was natural enough. From habit and upon principle he was sensitively apprehensive of the danger that might result to England from letting any of the public money go over to Ireland; a jealousy, however, very unreasonable when that right hon. Gentleman must have known that, out of the administration of Crown property in Ireland, there had been remitted yearly to the Exchequer here, not less than 74,000*l.*, which was spent in beautifying London, widening its avenues, and erecting statues in its public places and squares. He also might have found, from his being so conversant with the public exchequer, that not less a sum than little short of two millions of money was remitted by Ireland to the exchequer of England, for the use of this country. After this explanation, he trusted the House would not suffer itself to be misled into giving a colour to the suspicion that it participated in the uncharitable prejudices of the right hon. Gentleman. The House, too, might have been spared the allusion made to the prevalent agitation in Ireland, on the subject of giving a preference to Irish produce and manufacture. The subject had been discussed at length in most parts of Ireland; and the right hon. Gentleman (Mr. Shaw) had been challenged to enter into the field. He might have entered into the arena with his friend Dr. Butt—but he declined it.

An hon. Member. — Remember Mr. Cooke's challenge.
Leave given.

ABOLITION OF THE PUNISHMENT OF DEATH.] Mr. F. Kelly, in rising to move for leave to bring in a bill for the abolition of the punishment of death, except in certain cases, observed, that from the ample discussion which a similar bill of his had undergone last Session, there was little

necessity for troubling the House with reasons for permitting him to place a similar bill to that of last year upon their Table. The number of offences to which, by our laws, the punishment of death was attached in the early part of the last century was nearly 300—a most formidable and fearful proportion. Through the efforts of many enlightened men, though opposed by the most eminent members of the profession to which he belonged, that state of the law had been mitigated, and the number reduced to nearly thirty. Pursuing this benevolent object, he had had the honour to submit to the House last Session a bill for the abolition of death as a punishment for crime, except in the cases of murder and high treason. That bill had been on various occasions fully discussed. It had been read a first and second time, passed through a committee, and only thrown out upon the third reading by a very small majority, in a thin House. Under such favourable circumstances he was convinced he was fully authorised in presenting for their acceptance, this Session of Parliament, a measure of a similar description. He had the pleasure to learn that the Government did not intend to offer any opposition to the introduction of the bill of which he had given notice. It would suffice to state, therefore, that this bill in substance did not depart from the bill which he had introduced to their notice last Session. There was, in point of form, a variance adopted, upon the suggestion of some of his professional friends, which consisted in this—that, instead of reciting in one section all the different offences which were to be taken out of the class to which the penalty of death had been attached, and to which a mitigated punishment was in future to be attached under this bill—he had increased the number of clauses in the bill, and had placed each of those offences in a separate clause. Although this might be considered inconvenient, yet it had one very important advantage over the other course, inasmuch as it enabled the House, in the committee on the bill, to suggest separately any improvement in the secondary punishment applicable by this bill to each offence, upon the clause being read by the chairman. It, in effect, would give the committee a greater scope to adapt a secondary punishment to the offence specified separately in the clause under discussion by the committee. With these exceptions, which he had thought not only

expedient but necessary, in order to obviate the objections of some, and to neutralise the opposition of others, to the measure of last Session, the bill which he was about to move for leave to introduce would be the same both in its form and substance as before. He must, before he sat down, take the opportunity of expressing his regret that he had not been able to prepare and to lay upon the Table of the House similar bills to that which he had described for the purpose of introducing the same modification of the law, with respect to the punishment of death, into Ireland and Scotland. But it would, doubtless, occur to hon. Members, as it had done to him, that the simultaneous introduction of three bills, identical in their clauses and wording, into the House, would lead to very considerable confusion, and would tend to render that an intricate subject of legislation which ought to be most simple and easy of comprehension. He had, therefore, withheld those consequent measures, convinced that, if the House consented to abolish the punishment of death for certain offences now visited or liable to that sentence in England, it would at once follow as a matter of course, that the same alteration in the law would immediately have effect in Ireland and Scotland; for no doubt could be raised as to the expediency of such an equalisation of the statute law, and consequently no opposition to those measures, which would thus be rendered necessary, could be offered. He therefore felt no difficulty in pledging himself to bring forward two measures for Ireland and Scotland, to abolish the punishment of death in those kingdoms, as soon as he was satisfied that the House approved of the principles which pervaded the measure in behalf of which he was speaking. There was another and highly important consideration, connected most intimately with the present question, to which he felt bound to refer. In the present state of the law relating to secondary punishments, it could not but be admitted by all parties that there existed a very great imperfection in the statutes relating to that subject, and this imperfection had been made use of as an argument against all attempts at legislating further on the punishment of death until secondary punishments had been placed on such a footing as to enable the executive to dispense with capital inflictions. When, however, he investigated the speeches of those humane and high-minded

public men who had given their special attention to the subject of punishment, he found that it was, without exception, their opinion, that although the law relating to this matter was in an imperfect and unequal state, still it was impossible for any individual Member of the Legislature, not acting in accordance with, and by the sanction and aid of the Ministers of the Crown, to attempt to effect any general alteration of the law as it now stood. It was obvious that in the question of such a sweeping modification of the laws affecting secondary punishment as this would be involved a very serious consideration respecting the public expenditure. Any new system of secondary punishments would render it requisite to appoint and provide for the support of a vast number of additional public officers, as well as for the erection and preservation of an extra number of prisons. It would be necessary to provide for all this expense if such a bill as he referred to were introduced, and such a step could be taken by no other party in that House than the Minister of the Crown. Still he hoped, in case the Government should not be prepared to move in the matter of secondary punishments, and in case no hon. Member of that House better qualified than himself took the initiative, that he should be prepared to place on the journals of the House some suggestions, in the form of a series of resolutions, which might be useful as a guide, if in no other way, and upon which some beneficial measure for the alteration of the whole system of secondary punishment now in practice might be based. He hoped, however, that the noble Lord opposite (Lord J. Russell), to whom the country was so much indebted for the reforms which he had introduced into the criminal code of the country, would be prepared, before long, with some resolutions to the effect he had intimated; and if he should not, and if it should also appear that the Government was not disposed to bring forward the subject, he himself would, after Easter, submit his own ideas to the House, in the form of a series of resolutions on the subject. Before he sat down he felt it necessary to allude to a bill which the Government had given notice, it was its intention to introduce during the present Session, for the further abolition of the punishment of death in certain cases. He begged most cordially to thank the Ministers of the Crown for their intentions, had it so hap-

pened that it had suited their convenience to have laid it on the Table of the House, at or near the period at which he had felt it to be his duty to bring forward his own bill upon the subject, he should have endeavoured to have delayed his measure, in order to see whether that of the Government would effect what he proposed; but as the hon. Gentleman, the Under Secretary of State for the Home Department, had intimated that he should not be ready with his bill before the end of the month, he had felt it to be his duty not to postpone his motion, and to ask the House to suffer him to bring forward his bill as before, without offering any opposition in the present stage; when, if there were no great delay on the part of Government in the other bill, he should refrain from pushing his measure forward to the committee-stage until he became acquainted with the details of that of the Government; when, if it should prove to be co-extensive with his own measure, he would at once cede and withdraw the latter, rejoiced to find, that the Government, during the present Session, had been induced to step forward, and to carry into effect those great reforms in the application of punishments which the enlightened spirit of the age imperiously and unanimously called for. He begged leave to move for leave to bring in a bill for the abolition of the punishment of death in certain cases.

Mr. Ewart begged to second the motion of the hon. and learned Member, because he had been particularly requested to do so by some parties highly desirous to see the proposed modification of the criminal law carried into effect. The experience of every day which had elapsed since the principle of adopting a milder system of punishment had been mooted and acknowledged, confirmed his own conviction that it was not only safe but expedient to dispense in future with the punishment of death. When the measure, for the introduction of which the hon. and learned Member had asked leave of the House, was a little more matured, he would submit, for the consideration of those hon. Members who took an interest in this subject, a series of calculations which had been furnished to him by the obliging communication of a Member of the Chamber of Deputies, showing that crime had rapidly diminished in those states where the punishment of death was now unknown. He would also show, from

the same statistical documents, that the certainty of punishment had increased since the infliction of death had been abolished; he would also show, that in cases of indictment for those crimes which had formerly been visited with capital punishment, the convictions were increased a thousand fold in the proportion to what they were before this alteration was made. He should, however, reserve these statements for some future stage of the present measure, and in the mean time he could only express the cheering effect that was produced upon his mind by the reflection that the universal interest which was taken by enlightened persons in all the countries of Europe, in the propagation of the principle on which this measure was founded, showed a simultaneous advance in those countries in the education of mankind, and in the propagation of sentiments of true Christian charity. He would only add, that he coincided entirely in the views expounded by the hon. and learned Member respecting the necessity of making some extensive alterations in the present system of what were termed secondary punishments, but what he hoped, at no distant period, to be able to call primary punishments. His opinion in this matter was, that the best way of reforming a criminal was, to subject him to such preliminary discipline in prison, and afterwards let him have an opportunity of recovering his character in a foreign penal settlement. He trusted that whatever reform in the present code of capital punishments was contemplated by the Government, such reform would be at least co-extensive with the bill of the hon. and learned Member for Ipswich; and also that the views propounded by the hon. and learned Member, with respect to the amendment of the criminal law would be promoted and furthered by the Ministers of the Crown.

Lord J. Russell: The hon. and learned Gentleman who proposed this bill had stated very truly, that at the commencement of the present century there were not less than 300 offences punished capitally; and he was also correct in stating that there was for many years a very strong opposition to any amelioration of that punishment. Every proposition for mitigating the extreme severity of the law was opposed by all the strength of the Government in the House of Commons, and so pertinacious was that opposition,

that he remembered when a bill proposed by Sir J. Mackintosh had been read a third time, the then Secretary of State, determined not to relinquish his opposition, took the chance of a few more members coming into the House, and declared that he would divide again upon the question "that the bill do pass." The Secretary of State was successful, and the bill did not pass. Such was the nature of the opposition then made to any proposition for modifying the criminal law. The hon. and learned Gentleman was likewise right in stating that of late years a very great change had manifested itself not only in the spirit of the different Governments which had succeeded to the administration of affairs, but also in the opinions of the heads of the law, and of those whose judgment must always have great influence on both Houses of Parliament. Agreeing with the hon. and learned Gentleman thus far, he could not admit with him that it was expedient to change the criminal law to such an extent as he proposed, with the view, as he stated very candidly to the House last year, of abolishing the punishment of death altogether. At the same time, he was prepared to admit, that there ought to be further changes and ameliorations of the criminal code. He admitted that there were some crimes now, by law, punishable with death, which ought not to be so punished. Therefore, he could not refuse to the hon. and learned Gentleman leave to introduce a bill which proposed to take away the punishment of death from certain of those crimes. It would be a subject for consideration how far the hon. and learned Gentleman proposed to carry his modifications; and whether it would be in the power of the Government to concur in the full extent of his proposal. It was always to be recollected that the hon. and learned Gentleman who brought forward the present motion, and the hon. Gentleman who seconded it, unhesitatingly declared that their ultimate object was the entire abolition of the punishment of death. That being the case, it was likewise proper for him (Lord John Russell) to declare that that was an object to which he could not consent. With respect to the offences still remaining on the statute-book punishable with death, there were, he thought, two very distinct classes of them. There were certain offences in respect to which hardly any one would wish the punishment of death to be retained, and in respect to which there could be no doubt that some

other mode of punishment should be substituted. There were other cases in which he thought there would be very great difficulty in effecting a change of the law. As an instance of both these cases, he would take the offences created by a single statute, all of which were punishable with death—he meant the offence of destroying ships and ships' stores in dock-yards. Now the offence of wilfully destroying one of her Majesty's ships was one which, in his opinion, partook of the character of high treason, and was, therefore, justly punishable with death; but there was in the same statute a class of minor offences, such as the destroying of rope, or setting fire to any small quantity of stores in the dock-yards, which could be considered merely as offences against property, and which, therefore, ought not to be punished with death. It would be seen, therefore, that there were different offences comprehended in one and the same statute, to all of which the punishment of death was now allotted; to one class of which that amount of punishment was properly applicable, but to the other class of which a much milder punishment was all that justice could require. There were other cases of as great or even greater difficulty. The hon. and learned Gentleman had said that the system of secondary punishments at present established in this country were not such as he could altogether approve of. At the same time he said that he did not think that any individual Member of the House could propose a complete and beneficial change of the law in that respect, but that it must be undertaken by the Government. He owned that it appeared to him, if the hon. and learned Gentleman's opinion were good, and he was not disposed to doubt it—he owned it appeared to him, that after the mitigations effected in the criminal law by the present Government in 1837—taking away the punishment of death from so many offences previously punished capitally—and after the care and attention which had been bestowed upon the subject of transportation and imprisonment, as means of secondary punishment, the hon. and learned Gentleman might very properly have allowed her Majesty's Ministers time to consider the whole of the subject, and that he might have waited at least a little longer to see whether some complete system would not have been proposed. He agreed with the hon. and learned Gentleman that, as regarded secondary punishments, much remained to be done—he

agreed with the hon. and learned Gentleman no system of a perfectly satisfactory nature could be established until prisons had been built in this country, and maintained at the expense of the state, in which persons could be confined who would otherwise be liable to the punishment of death or transportation. But, at all events, this was quite clear, that, as the law stood at present, there was much that required to be amended, much that would demand a great deal of labour and care, before a satisfactory statute upon this subject could be framed. The hon. and learned Gentleman had alluded to the alteration which took place in the law in 1837. At that time he (Lord John Russell) proposed in certain cases to substitute imprisonment for five years in this country, for the punishment of transportation for life. The other House of Parliament thought the proposed period of five years' imprisonment too long, and reduced the maximum amount of punishment under that statute to three years' imprisonment. The House of Commons agreed to that amendment, and such was now the enactment of the law. If, then, imprisonment for three years was the maximum amount of punishment for all the grave offences, included in the act to which he had just referred, and which, previous to the passing of that act, were punishable with death, that amount of punishment ought to be the standard by which all future legislation upon the subject of secondary punishment should be guided. But there were many statutes upon the book which imposed transportation for 7 or 14 years, for offences of a much less grave nature than many of those for which the maximum of punishment now prescribed by the law was three years' imprisonment. In dealing with this subject, therefore, it was necessary that a wide and comprehensive view should be taken of it, and that such grades of punishment should be allotted as was suitable to the guilt and gravity of each particular offence. He had made these observations for the purpose of showing that, in legislating upon this subject for the future, it would be necessary to take a general view of the whole subject, so that the amount of punishment in all cases might be apportioned to the crime, and so prescribed by law as not to leave the mitigation of the punishment to the Secretary of State, or the mercy of the Crown.

Leave given.

TITHES — ECCLESIASTICAL COURTS.] Captain *Pechell* asked for leave to introduce a bill to amend the Tithe Recovery Act, 5 and 6 Will. 4th. He said that the House was no doubt aware that it was provided, by the 7 and 8 Will. 3rd., that all suits for tithes under the amount of 10*l.* should be instituted before the justices; the House would also recollect that in the year 1835 he had the honour to introduce a bill, which afterwards became law, and the 5 and 6 William 4th., by which it was provided that all such suits should be heard only before the justices of the peace, to the exclusion of the other courts of her Majesty. It was now asserted that the Ecclesiastical Courts did not come within the scope of the act, but it undoubtedly was the intention of that act to prevent all suits for tithes under a certain amount from being carried to the superior courts. There was now a petition on the Table of the House from a poor woman of the name of Sarah Young, which stated that she had been cited to the Bishop's Court at Llandaff by a reverend divine for an alleged arrear of tithe amounting to only seven shillings, and at a time when that unfortunate person was confined to the House from sickness, and consequently unable to attend. She was held in contempt for not attending at a distance of forty-five miles, and she was committed to the county gaol of Monmouth, where she remained for a term of seven months. Another case had occurred in the diocese of Exeter. A gentleman of the name of Hill had been cited to the Bishop's Court for an arrear of tithe. Having greater means than Sarah Young, he employed a proctor, who appeared in court and produced the Act 5 and 6 William 4th, as a defence to the action. To the astonishment of Mr. Hill and his proctor the case was dismissed, but without costs. It appeared, then, that notwithstanding the 5 and 6 William 4th, persons were liable to be cited before the Bishop's Court for tithes. He thought the House ought to remove all doubt on the subject, and place the Ecclesiastical Courts on the same footing as the rest of her Majesty's courts in regard to this question. He would be glad if the noble Lord would bring in a general measure to remove the general jurisdiction of the Ecclesiastical Courts altogether, but as it became his (Captain Pechell's) duty to amend the act which he had been instrumental in getting

passed, he would therefore move for leave to bring in a bill to amend the Tithe Recovery Act (5 and 6 William 4th), and to take away the jurisdiction from the Ecclesiastical Courts in all matters relating to tithes of a certain amount.

Dr. *Nichol* had no objection to allow the hon. and gallant Member to amend his own clumsy and bungling legislation. The difficulty arose entirely from the hon. and gallant Member's taking up a subject with which he was not very familiar.

Mr. *Fox Maule* thought the learned Gentleman who had just sat down had no right to accuse the hon. and gallant Member in this instance, for he was equally responsible for the measure—indeed more so. It became him to watch over a measure which he says was bunglingly gone about, and prevent its passing into a law.

Mr. *Hume* was of the same opinion. He thought it was the duty of the learned Gentleman opposite to have interfered; but though he knew better, he would not come to the relief of the hon. and gallant Member. The House was much obliged to the hon. and gallant Member, he had done something, but the learned Gentleman opposite had done nothing.

Leave given.

COUNTY COURTS.] Mr. *Fox Maule* felt great diffidence in approaching the subject of County Courts, on which he had given notice of a motion to ask for leave to bring in a bill to establish them, when he considered that the question had formerly been undertaken and discussed by such men as Lord Althorp and Lord Brougham; and his diffidence was in no way lessened when he considered the deep importance of the subject, and the humble powers of the individual who had now undertaken to bring the question before the House. He was sure that the House would agree with him when he stated that in the situation in which he was placed—connected with that department of the Government which had the surveillance of the administration of justice throughout the country—that it was impossible for him to shut his eyes to the demand which the public had made for legislation on that subject. Year after year petitions had been presented to the House, and he believed there was scarcely a district in England from which petitions had not been presented to the house for private bills, in order to enable them to establish some better sys-

tem for the recovery of small debts. But he did not approve of such piecemeal legislation. He thought it desirable that one general system should be established by Act of Parliament to extend to the whole of England and Wales. It was unnecessary for him to enter into any long statement to the House in order to convince them of the evils attendant on the present system for the recovery of small debts. It was, in fact, a total denial of justice to the poor, and to all persons a heavy expense. He could only refer the House to the fifth report of the law commissioners on this subject; they would there find all the grievances of the system, and most of the clauses of the bill, in the shape of suggestions which he was about to propose to remedy those evils. The inconveniences of the present county courts were admitted on all hands. The measure which he was about to introduce was the same as that which had been brought before them two years ago. The first principle of it was to extend the jurisdiction of the county courts to sums amounting to 20*l*. Whether this was a proper limit they were not there that night to discuss, for the point would be reserved for an after stage of the bill. In establishing the courts, he proposed that they should be perambulatory, not merely confined to the central town of the district, but to be held from time to time, and in such other places as her Majesty's Council might be pleased to appoint. He proposed, in the next place, that the judges to be appointed should be paid by a fixed salary—that they should be permanent officers appointed by the Crown, and removable by the same power which appointed them. He proposed, also, that their salaries should be paid out of the proceeds of this court; and when the fees should not happen to be sufficient to remunerate the judges, instead of paying the deficiency out of the county rates, as it was once suggested to do, he proposed that it should be paid out of the consolidated fund. He next proposed, in reference to the proceedings of these courts, to render their proceedings more simple, so that the meanest capacity might at once understand their nature. He proposed to do away with all the written pleadings which at present existed in the county courts, and that the pleadings should commence with a simple summons, calling on the defendant to appear and answer. If the defendant failed in the first

instance to appear, judgment in absence would be given against him: but if he could afterwards show good cause why he had not appeared in the first instance, he proposed that the judgment in absence should be annulled, and a new trial granted. It was also proposed, in order to avoid vexatious delays, that if the defendant appeared and entered his defence, with a special plea for making it attached, and if he failed to sustain his defence, the judgment would go peremptorily against him in absence, but at the same time it was thought advisable that the judge should have an unlimited discretion in every such case either to refuse or to grant a new trial. It was proposed that the judge should sit alone in certain cases; that he should, by himself, decide all cases under 5*l*., but in cases above 5*l*. and under 20*l*., it was proposed to leave it to the option of the parties whether they should be tried by the judge alone, or by a jury, to consist of five individuals. In reference to the costs, he had no doubt but that they would be greatly reduced. He had next to propose, what might be objected to by gentlemen learned in the law, but what appeared to him to be an essential part of any system for the easy and speedy recovery of small debts—he proposed that the parties themselves should be examined if found necessary, and that all witnesses might be examined without reference to any interest they might have in the case. He proposed nothing new, he merely proposed to extend to such newly-created judges the powers which the present judges had under the 1st and 2nd Victoria. There was no doubt but that the patronage which the Crown would receive by the power of appointing the judges to these county courts would be great. He anticipated that for the purpose of disposing of the business under the present measure, the number might possibly amount to twenty-five; but there was one circumstance to which he wished to call the attention of the House. It was, that almost an equal amount of patronage existed at the present moment, without the House being aware of it; for since the measure was first introduced, no less than twenty-two local bills had been framed, very similar in their provisions to the present measure. To every one of these localities, the power of appointing the judge was vested in the Lord Chancellor, and the House would observe that these twenty-two local courts

would all be merged into the present general measure. The patronage under the present measure could only be made to vest in the Crown. It would not be safe to place it in any other source than one, which was responsible to both Houses of Parliament. In reference to the patronage which at present belonged to the manorial and other courts, he did not propose to do away with the jurisdiction of any of these. His object was merely to improve the administration of justice in the county courts, and such courts as the courts of requests would still be open to the public, if they chose to make use of them. He proposed that the salary of each judge should be, in the first instance, 800*l.* per annum; and that it should increase as the business increased, but in no case should it exceed 1,500*l.* per annum.

An hon. Member asked if the judges were to be allowed to practise as barristers.

Mr. Fox Maule said they would not be allowed to practise. He had now sketched the outline of the measure, the great feature of which was that which went to establish throughout the country local perambulatory courts, to which the poorer creditors would have immediate access. Instead of a court which obliged both them and their witnesses to travel an inconvenient distance to attend, they would now have one near to their own homes, and one that would give them cheap and speedy justice. He hoped that the measure would be the means of giving to the lower classes a confidence in the good intentions of Parliament towards them. He had witnessed the beneficial effects of a similar system in that part of the kingdom with which he was more immediately connected. Three years since, a measure passed through Parliament, which attracted little notice; but which gave a power to her Majesty to declare in what part of any county in Scotland the sheriff should hold his small debt court. That measure had worked, and was still working, greatly to the benefit of the people of Scotland, and he sincerely hoped that this Session would see a similar measure bestowed on the people of England. Thanking the House for the attention with which they had listened to his statements, he begged leave to move for leave to bring in "a bill to improve the practice, and extend the jurisdiction of county courts."

Mr. Ewart hoped he might be allowed to express an opinion on this subject, having been solicited by individuals in that part of Lancashire to which he belonged, to introduce a similar measure. These courts existed, and were found very beneficial in Scotland and Ireland, and he hoped they would soon be established in England. He, however, thought it would be better not to prevent the judges practising as barristers. There was one innovation in the bill worthy of all praise,—namely, that the evidence of witnesses was not to be limited by technical rules. Let a witness be sifted as much as possible, but let his evidence be taken *quantum valeat*. He should be glad to see, by way of supplement to this measure, one for introducing a system of stipendiary magistrates throughout the country.

Colonel T. Wood hoped, that the measure would not be made instrumental in undermining the jurisdiction now exercised by county magistrates. It appeared to him that the Government intended to reserve the power of appointing the existing magistrates in the metropolitan districts to act under this bill. If this principle were acted on in the metropolitan districts, he considered that it would be highly objectionable. It would be much better, in his opinion, to keep the criminal and the civil business distinct, as was the case in the higher courts of judicature. Care, therefore, should be taken so to limit the appointments as not to render them instrumental in mixing up the administration of criminal justice with the adjudication of debts and other civil proceedings. Provision being made against such a result, he considered that the establishment of such courts would tend greatly to serve the poorer classes, whilst at the same time the expenses of the courts would be borne by the suitors. He would again advise those who had united with him in endeavouring to prevent the police courts from being also made courts for the recovery of civil debts, to avoid the same danger of a double jurisdiction from the present bill.

Mr. Hume could not conceive how the adoption of the measure could lead to the danger that criminal and civil jurisdiction would be confounded by its provisions. He completely coincided in the views expressed by his hon. Friend, the Member for Wigan, and his only regret on that occasion was that the bill did not go fur-

ther than was proposed. The cheap and easy administration of justice was an object of the utmost importance to the community at large; and he certainly felt that the measure just introduced would tend very materially to secure that object.

Mr. *Hawes* was glad that the bill had been brought forward. He hailed the measure as a bold effort on the part of her Majesty's Ministers to endeavour to lessen the costs of the law, and facilitate the administration of justice. Numbers of small debt bills had been formerly passed, almost every year, through the House, each rendering the law more perplexed by introducing new principles. At present there were innumerable small courts, with various degrees of jurisdiction, the patronage of which was placed in the hands of private individuals. He thought such a system extremely injurious to the due administration of justice; and he hoped the rights of patrons would not prevent the passing of the measure then before them. The hon. and gallant Officer had given no reason for his opinion, that the giving to these judges criminal and civil jurisdiction would act injuriously. If in the metropolitan districts they had competent judges under the Police Act, why should they not have additional duties imposed upon them, if they had time to discharge such duties? He saw nothing injurious in such a plan, and he thought the public, having gone to a very great expense in the establishment of those courts, were entitled to have them made as beneficial to the people as possible. The vesting the appointment of judges of these courts in the Lord Chancellor or the Lord Chief Justice, would remove all objections that could be made on the score of political patronage. That was a subject which had been much discussed in the committee, and he understood the right hon. Baronet, the Member for Pembroke, to say that he had no objection to give the patronage of those courts to the Lord Chancellor, or the Lord Chief Justice, but that he would prefer the Lord Chief Justice. He also understood the right hon. Gentlemen as having given up the rights of the existing patrons. Now, if a great and useful measure of this nature were opposed by the other House, merely for the sake of preserving private patronage, it would give great support to the opinion that that House existed more for private purposes than for public benefit.

He hoped too, that when the question was next discussed in that House, they should hear a great deal less about the loss of patronage by private individuals, and a great deal more of the necessity of securing a good administration of justice than they had done on former occasions.

Mr. *O'Connell* thought that the want of the connection in the measure which had been deprecated by the hon. Member for Middlesex, constituted its great evil. The judges of these courts ought to possess both civil and criminal jurisdiction. Let them look at the anomalous state of the law regulating these courts in the different counties. In England by this bill the judge of the county court had civil jurisdiction only. In Ireland he might possess both civil and criminal jurisdiction, and in Scotland, where he had originally only criminal jurisdiction, civil jurisdiction had been recently superadded, so that in the three different countries there were three different methods adopted in the administration of justice. In many cases of civil trial it was necessary that the judge should have criminal jurisdiction, and nothing could be more anomalous than this judge half dead and half alive, this paralytic judge, who was alive on one side only—alive on the civil, but dead on the criminal side. What the hon. Member opposite was afraid of was, that they would interfere with the jurisdiction of the magistrates. In Scotland, the magistrates had very little to do he believed, and that was just what they were fit for—and it would be for the benefit of this county if the magistrates here had also the opportunity of indulging in dignified leisure extended to them. An unpaid magistracy was a perfect anomaly which had no existence in any other county. The magistrates' court could not, at all events be considered as a poor man's court, at all events he had never known an instance in which the being rich had been a disadvantage to a man before the magistrates. He thought it would be better in all cases to leave the administration of justice to paid and responsible authorities. He was sorry to see that the bill proposed to give patronage to the judges. The Lord Chancellor was one of the Ministers of the day, removable with the Ministers, and, therefore, the giving patronage to him was, in fact, giving it to the Ministry—but if they wished to derive a method for spoiling the

Lord Chief Justice, they could not possibly invent one more effectual or more calculated to degrade him into a political partisan than the giving him the appointment of the judge of those courts. The Bar at present was quite subservient enough to the Bench. [Mr. Sergeant *Talfourd*—No, no.] Not subservient enough? Now if they gave the Lord Chief Justice the appointment of these judges, they would have the entire rising Bar subservient to him. Not a junior barrister would express an opinion or take a part in any political discussion until he had ascertained the opinion of the Lord Chief Justice. He hoped, that in the progress of the bill some clause would be introduced to give the judge of the county court criminal as well as civil jurisdiction, in the same manner as was now exercised by the judges in the higher courts, and he felt convinced that the public would be highly benefitted by having the criminal as well as the civil jurisdiction brought home to their own doors.

Mr *Warburton* hoped the provisions of that bill would provide for the proceedings and practice of the court. He should wish to see the same proceedings adopted in these courts, as were adopted before the commissioners of bankrupts, where both litigant parties were brought before the judge and examined.

Mr. *Fox Maule*—It is so; such are the provisions of the bill.

Mr. *Warburton*—Oh, very well; then I have nothing more to say.

Mr. *G. Knight* contended that this bill, if altered as recommended on the other side, would be an attempt to introduce the narrow end of the wedge, so as in time to take the whole administration of justice, especially in the country, out of the hands of magistrates, by whom it was at present satisfactorily administered. If criminal justice, as well as civil, were put into the hands of stipendiary magistrates, it would strike at the root of the welfare and prosperity of the nation. Nations did not depend for their prosperity so much on the habits and usages of the country as upon the laws; and what had made England superior to other countries was the mixing and blending together of the different classes of society, thus promoting that good understanding which was necessary to the prosperity and happiness of every community. He consi-

dered that the present system of appointing magistrates tended to produce this state of things, and on that account he should be extremely jealous of every thing that was at all calculated to remove from the hands of the existing magistracy the administration of the justice of the country. It was true that the bill now before the House had nothing in it of that character, and he hoped it would not be followed by any measure similar to that recommended by the hon. Member for Wigan and other Gentlemen.

Mr. *C. Villiers* observed that the hon. Member for Middlesex, (Captain Wood) had admitted, that this was a measure that would do a great deal of good; that there was a defect in the administration of the civil justice of the country, that it was dilatory and expensive, and that the present measure would make it cheap and speedy. But the hon. Member was afraid it might encroach on the criminal jurisdiction of the present magistracy, if that were the case he should consider it an additional benefit. He believed that many of the magistrates were anxious to be relieved from their present duties, and would gladly see them performed by competent officers acting in public and having in a bar and all the officers of a court the surest guarantees for proper decisions. Far therefore from looking on the objections made by the hon. Member for Middlesex, as reasons why he should not support the bill, there were on the contrary reasons why he should vote for it in all its stages.

Mr. *Cresswell* apprehended that some insuperable objections would be found to the intended scheme, although personally he should be glad to see the cause papers of the different courts cleared of paltry cases, on which even success was attended with ruin. If parties, like those contemplated by the bill, had no appeal, injustice would often be done; and if an appeal were allowed, they would probably fall into the hands of the lower practitioners of the profession. At the same time he was most anxious that a measure should be perfected that would relieve some of the existing evils of the present system. As to the question of patronage, he cared little whether it were placed in the hands of the Lord Chancellor, or of the Chief Justice. Let it be where it would, he did not at all apprehend that the integrity of the bar would at all be affected by it. The hon. Member for Dublin had indeed

said, that the bar was already "sufficiently subservient:" if by those words he meant to cast any imputation on the bar, he defied him, or any other man, to substantiate any charge of want of independence in the bar of England. It was the glory of the English bar, that while it treated the judges of the land with all respect, it maintained most perfect independence as regarded the interests of suitors. He had seen no change in the character of the bar, notwithstanding the judges had had the appointment of revising barristers; and notwithstanding the number of commissions established by the present Ministers, the Whigs at the bar were not more numerous than they had been, from the hope of preferment from the judges, or from any other quarter.

Mr. *F. Maule* added, that he wished to put an end to any expectation, if it existed, that the proposed bill was intended to give the new judges jurisdiction in cases where the sum in dispute was above 20*l*. At present, in the county courts, by suing out a writ in the Queen's Bench, and by a different form of pleading, as he was instructed, any amount might be recovered. With that power it was not his intention to interfere.

Leave given.

BANKRUPTCY, INSOLVENCY, AND LUNACY.] Mr. *F. Maule* observed, that the other bill for which he had given notice of an intention to move, was connected with that which he had just obtained leave to introduce. For the sake of argument, he would presume that county courts had been established, and being established, he proposed, by a second measure, that the Lord Chancellor should have power to refer to them matters relating to bankruptcy, insolvency, and lunacy. The great question of the bankruptcy and insolvency laws must remain for more skilful and practised hands than his; that subject must be treated in a separate bill, and by those who were both more extended in their views, and more practical in their habits. All he proposed to do on the present occasion was, to empower the Lord Chancellor to remit to county courts matters at present disposed of by country commissioners, of whom it appeared, by a report already laid before the House, that there were 700 in 140 different districts of the kingdom. The duties they

discharged in bankruptcy he wished to be undertaken in future by the judges of county courts, and the saving thus effected would go far to provide for the increased expense of the county courts. As to insolvency, he proposed that the same course should be pursued, and he begged to refer the House for information to the report of the commissioners on the subject, which would at once show the saving to be effected, and the frequent circuits of the judges of the county courts would afford more speedy relief to debtors than the present commissioners, who only made their circuits thrice a year. To the county courts, in the third place, he intended to carry all matters relating to lunacy. It was admitted, that the present system worked most inconveniently, and by the change a saving of not less than 10,000*l*. a year would be accomplished. It might be asked if, with the number of new judges provided in the first bill, he hoped to be able to discharge all these duties? They might or might not be sufficient; and in order that the duties imposed might not be too much for those who had to discharge them, he wished to give to the Lord Chancellor the power of increasing the number of judges, in order that they might keep pace with the increase of business. If the House permitted him to introduce this second bill, he hoped that it would proceed *pari passu* through its various stages with the first.

Mr. *Hawes* observed, that the bill now moved for, would be a most important measure, as regarded the commercial community. Nothing was more notorious than the defective administration of the bankrupt laws in the country, and he said so without intending the slightest disrespect to the 700 commissioners mentioned by the hon. Gentleman. In London the change of system, and the working of it, had given universal satisfaction, and the extension of it to the country, would be a great advantage. In proof of this statement, he would mention, that a memorial from many most respectable and wealthy mercantile establishments in various parts of the kingdom had been presented to the Lord Chancellor, earnestly soliciting such a change.

Leave given.

COPYRIGHT OF DESIGNS.] The House on the motion of Mr. Emerson Tennent re-

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solved itself into a committee on the Designs Copyright Act.

Mr. *Emerson Tennent* said, he was about to recal the attention of the House to a subject which had been under its consideration last Session, and on which a committee above stairs, after a long and laborious investigation, had made a report in favour of the principle which it was now his object to incorporate in a bill. It would divest the question of much abstract matter and theoretical argument for him at once to state, that he sought to introduce no new principle of legislation, to found no new law, but simply to give force and efficiency to one already in existence, but which the lapse of time and other circumstances had rendered inoperative for the achievement of the object which it proposed. The question for which he had to entreat their consideration was, not whether there should be copyright at all, for that had been decided in the affirmative by the passing of a law by which it was established fifty years ago, but whether the House would render that law effectual by making that extension of the term which the altered circumstances of the trade had rendered indispensable for its prosperity. Early last Session he introduced a bill for this purpose, in which he proposed to extend the copyright of designs from three months to twelve. The question was felt to be one of much manufacturing and commercial detail, with which the majority of Members were not very familiar; and, under the circumstances of the imperfect information which the House possessed upon the subject, the right hon. Gentleman the President of the Board of Trade was reluctant to consent to an extension beyond half that period. But as he felt confident that the term he proposed was the very shortest which it was possible to adopt with any hope of effecting the desired object, and felt conscious at the same time that a thorough scrutiny of the subject could not but lead others to the same conclusion, he at once adopted a suggestion of his right hon. Friend the Member for Tamworth, and consented to refer the inquiry to a select committee, which was accordingly done; and the committee at the close of their labours made a report to the House of the minutes of evidence they had taken, coupled with a recommendation that the term of the present protection should be extended. He had, therefore, not only the principle of a copyright established by

the existing law, but its extension recommended by the report of the committee, and the only question to which he had to beg their attention was the length of extension which it was indispensable to adopt. Conscious of the importance which it was to the public taste to get early possession of these designs as the groundwork for still further inventions and improvements, their authors and proprietors asked but a brief enjoyment of their exclusive profits, at the expiration of which they were contented to see them converted to any purpose that might tend to the general diffusion of taste, and the consequent advancement of art as applied to British manufactures. And when it was considered that by far the largest proportion of all the productions of England on which these designs were impressed found a market in distant countries, it surely could not appear an unreasonable or prejudicial term to ask but twelve months within which to realise a remuneration for the enterprise and outlay of their producers, and at the expiration of which they were to become the common property of the public? It was likewise a strong and a striking fact that in the only country which was confessedly superior to England in all the departments of industrial art, in France, the copyright of designs was the most complete and effectual, giving the inventor a property in them for any term of years, from one to a perpetuity, for which he might feel disposed to claim it. Under the influence of this law the productions of French taste had attained a reputation for beauty which ensured for them a price infinitely beyond the more homely and less elegant manufactures of England; and if this were questioned as the source of her admitted superiority, it could not at least be denied that the existence of such a law in France, so far from being prejudicial to her trade, had been shown by experience to be compatible with the very highest excellence in art, and the utmost success and prosperity of her manufactures. The present duration of the copyright was, as he had stated, only three months for calico-printing, the same which was established by the law of 1794; but although at that time it might have been found to be sufficient, whilst all processes were slow, engraving done by the burin, and printing by the hand, the case was very different now, when every process had been expedited by machinery, and the application of electro-magnetism to engraving had re-

duced the labour of months to the compass of as many hours. These circumstances drove the parties in the trade to apply to Lord Sydenham for protection, and in 1839 he introduced and passed two bills revising the entire system, giving a copyright of three years to some departments, and offering one of twelve months to the weavers of silks and the printers of calicoes. But as this offer to the calico-printers was coupled with a condition that they should subject all their designs to a system of registration which was about to be tried, and to which they objected, they begged to be left out of the bill till that system should have been tried and corrected, which was accordingly done. The state of the law, therefore, presented this singular anomaly at present, that there was one law to regulate patterns upon calico and another for woollens and silk; and, what must appear still more incongruous and absurd, for the same design if woven upon silk there was a protection of twelve months, and if printed upon calico only three. In the meantime the system of registration had been tested and proved; the inconveniences which the calico-printers foresaw had been ascertained, and were now in process of correction, and the calico-printers, having thus had their apprehensions and objections removed, came now to accept the terms offered them in 1839, and asked to be put upon the same footing with the manufacturers of silks, being now willing to accept the copyright upon the same conditions, namely, with the amended system of registration for their patterns; and he avowed he could not discover on what equitable grounds their demands could be resisted. But though it might not, and he hoped would not, be resisted in that House, it was resisted elsewhere, and for the sake of the trade, he regretted to say, by a numerous and interested party, namely, those who now lived by pirating and copying the designs of their neighbours, and a few honourable individuals who had been influenced by erroneous representations, to work with them in opposition to it. The fact was, that the present term of copyright had been found in practice to be so brief as to be no protection at all; it was violated in all directions, and even the sufferers were deterred from seeking redress, so worthless did they feel the only modicum of protection to be which the law could afford them. Hon. Members would be quite unprepared to hear the

extent to which the law was derided and set aside. They would be unprepared to learn that whilst it expressly declared, that no one design should be pirated or copied within the period of the protection, so powerless was the enactment for good, that the patterns of some houses had been copied in such numbers as sixty and seventy in a batch, to the utter discomfiture of the trade of the original producer. The fact was, the temptations to invade and appropriate property of this kind were great, and the protection small. A design which might have cost an artist weeks or months to produce, and which had proved eminently successful in the market, could be traced and copied in a few hours by the pirate, who could thus share in its profits without incurring the expense, the delay, and the labour, of its production, or the risk of its success. What might have cost the original proprietor twenty pounds could be appropriated by his persecutor for twenty pence; and even this disproportion in the outlay afforded no criterion of the injury inflicted upon the original producer, by the confusion, the uncertainty, and the destruction of confidence which the system of dishonest invasion inflicted upon his business. As an illustration of the extent to which these practices were carried, he would beg to read a few passages from the evidence given before the committee of last Session by gentlemen practically engaged in the trade. Mr. Brooks, who was an extensive calico-printer at Manchester, and a magistrate, and recently boroughreeve of that town, avowed, in the course of his evidence, that he had been himself a most extensive copyist of other men's designs, though less within the last eight or ten years than formerly; that he did just as many as answered his purpose; and he "thinks a fair quantity he did" within the existence of the copyright, as well as after its expiry, "sometimes with loss, but most generally with profit," to himself, though with "injury" to those whose property he appropriated; and that he generally printed his copies upon such inferior cloth, as to enable him to ask a lower price than the original producer, and yet "leave himself a good profit, and plenty of room to slip under;" that he had been occasionally remonstrated with by the injured parties, but never proceeded against; and that he took in every instance the precaution of publishing those copies as the act directed, in order to assert a claim to copyright in them,

as original designs of his own, and, if proceeded against for damages, he would have defended the action, though aware he was in the wrong, and relied on the strength of his purse to defeat his opponent. Such was the confession of a person actively engaged in the practice of piracy, and he (Mr. Emerson Tennent) would now give the House the declarations of a Gentleman who represented his trade to consist chiefly of employment given to pirates. Mr. Louis Lucas, on being asked in the Committee:—

“Are you a calico printer?” answered, “No I am a merchant of the firm of Nicholls, Lucas, and Co., New Wood-street Mews, extensive dealers in printed calicoes for foreign export.”

“Are you in the habit of having goods printed expressly for yourselves from your own designs?—Yes, frequently from what is exhibited to us; but this is the nature of our business. We are in the habit of receiving from abroad, almost constantly as the different packets arrive, patterns of prints suitable to those markets. We have a branch house at Manchester and they are sent to it, and we endeavour to find such calico printers as will produce them at the cheapest rate.” “Irrespective of who may be the proprietor or inventor of the pattern?—We ask no questions upon that subject; we say this is a pattern received from abroad, and we want so many hundreds or so many thousands of them.” “And you pay no regard to the fact whether these patterns be under an existing copyright, or under an expired one, or whose property they may be, provided you can have them executed at such a price as may suit the market?—That consideration has never entered into our heads—we never ask the question.” “Price alone is the object with you?—Price alone is the question.” “Do you purchase extensively of printed goods?—We do: in the last six months our shipments must have been at least 60,000 pieces.” “Are you aware there is a law giving a copyright of three months on printed goods?—I have heard so.”

This gentleman thought, “nothing more destructive,” of his trade could have been suggested, than the extension of the copyright to twelve months, the effect of it being, that he could then get no printer in Manchester to undertake one of his piratical orders. Now, “he can take,” he said, “a pattern round the trade; all he can find who will do it cheapest;” and he said, “such is the frailty of people, that if the original proprietor asks too much for printing it, he can always find a copyist who will undertake it on his own terms.” Nor had he ever found any difficulty in getting his work done at Manchester, except the price. Mr. Lucas was opposed to

“all copyright,” but to the present protection of only three months, he did not object, inasmuch as “he never felt it to be any protection at all.” Such were his own words. Mr. E. Brooke, a printer of furniture calicoes, stated, that piracy had been carried to such an extent in his business, that at one time, “every pattern produced by his house was copied by a rival establishment in Manchester.” Mr. Warwick, an eminent publisher of the most expensive chalis, of the house of Ovingdon, Warwick, and Co., in Cheapside, related a similar case, in which the entire of his designs intended for the trade of one season were copied in one batch by a rival house. The consequence he stated to have been ruinous to him, inasmuch as it perfectly paralysed his trade altogether. Mr. Stirling, connected with the eminent Irish house of William Henry, of Dublin, stated that “his establishment has suffered to an extent almost beyond telling” by copies of his goods for export being made in Manchester, and the best of his patterns being fastened on for that purpose, and his profit on the remainder destroyed in consequence. In December, 1829, he delivered to one gentleman, Mr. Hosier, of London, 700 pieces of goods, consisting of eighty-three different patterns, and in the January following, copies of the entire eighty-three were brought to the same gentleman by a pirate, pattern for pattern, worked on inferior cloth, and offered at 20 per cent. lower than Mr. Henry’s house had sold them, in consequence of which Mr. Hosier declined to repeat an order for the goods, and he (Mr. Henry) had never been able to sell him a single piece since. Not only so, but the sale of the articles in question had entirely ceased in every direction, owing to the same circumstance. In another instance, an order actually given to Mr. Henry’s house was cancelled in consequence of the merchant, immediately after giving it, seeing copies of the same goods in Manchester of inferior quality. Again, ten of Mr. Henry’s patterns were produced to the committee, copied by the house of Leese, Kershaw, and Co., of Manchester, in one batch. Mr. Stirling stated generally that from Mr. Henry’s goods being eminently suited to the West-India trade, they had been more extensively copied than those of any other House, and that “his business is almost at a stand in consequence, as he is never now able to effect a second sale of the same pattern on account of the profusion of copies in the

market, which are thrown in his teeth every time he asks for an order." But he (Mr. Emerson Tennent) would only fatigue the House were he even to allude to innumerable cases of hardship contained in the evidence given before the committee of last Session. The cases he had cited were but a sample, not only of the nature, but of the magnitude of the mischief. But he was prepared to be interrupted by an observation that all these cases occurred within the period of three months, rendered sacred by the existing law; and why was it not asserted, and its protection claimed, for their prevention? The answer he was prepared with. The trouble of vindicating the right was not worth incurring for the worthless amount of the remedy. A few weeks might elapse before a pattern was fixed on by the pirate. It would require a few more to produce and publish the copy; and before the fraud could be made known, and the law put in force for its suppression, the entire term of the copyright would have nearly, if not altogether, expired, and the injured party, even if successful, would take no advantage by his victory. If the term were extended to twelve months, it would create a quantum of interest in the copyright that would make a pirate pause before he aroused the resentment of the proprietor by invading it. But at present he appropriated his property with impunity, because the law withheld from him such an interest in it as would make it worth his while to employ vigour and energy for its protection. A man would assert his right vigilantly, where the value was five pounds, in whom it would be absurd to resort to legal proceedings for the amount of five shillings; and yet the moral offence of the aggressive party in either case would be the same, and the law equally explicit and open. One of the most prominent and most injurious results of this state of the law was, that it operated most prejudicially to the advancement and improvement of the art employed upon these designs. The printer, conscious of the insecurity of his property in them, studied to avoid every possible expense in their production, and to curtail every detail which, though it might add to their beauty, would augment their cost, and the cultivation of taste was thus chilled and prohibited by the impunity of the pirate. Artists of a higher order, were, therefore, deterred from employing their talents upon such insecure subjects; and, in fact, the manu-

facturer felt the imprudence of employing them to produce designs for the benefit of his neighbour rather than himself. The consequence was, that those styles of work which were attempted in this country were only of a medium and ordinary class as compared with the French, and parties were frightened from venturing upon other and newer departments in which their talents might be exercised, but in which they were forewarned that they would have no protection for their enterprise and outlay. Mr. Thomson, of Clitheroe, the most eminent printer in England, and Mr. Applegarth, of Kent, had both stated, that they had been deterred from attempting new styles of art by the insufficiency of the protection; and the latter gentleman mentioned to the committee of last Session that on one occasion he was offered designs by Mr. Smirke and Sir David Wilkie for architectural decorations, in imitation of Italian interiors, a species of production unattempted hitherto in Great Britain; but as the outlay would have been considerable, and the copyright a delusion, he declined to accept their designs which would have fallen into the hands of the pirate almost as soon as he could have produced them himself; and, certainly, long before they could have remunerated him for his outlay in their original production he would be compelled to resign these profits to the pirate. This and numerous other instances of a similar kind sufficiently accounted for the low state of industrial art in this country, as compared with its condition in France. Another evil arising from the insufficiency of the law was felt in the deteriorated character of British goods in foreign markets; the copiest being frequently driven, in order to undersell the original proprietor, whom he wronged, to reprint his designs upon inferior cloth, and in spurious colours, instead of fast ones, a circumstance which, as copying was unknown amongst their rivals on the Continent, was never apprehended by the purchaser of French productions. But even independently of these lawless assaults upon their property, the term of three months' copyright, even in the ordinary course of the trade, was inadequate to remunerate a printer for his outlay and trouble. His customers were deterred, by the alarm of piracy, from giving large orders in the first instance, lest they should be overtaken and undersold by the spurious copies, so that the languid sale within the three months,

even if uninterfered with, was insufficient to reimburse him. The ordinary sale of a new pattern in the home market extended over at least six or seven months, and some of them twelve, or even a much longer period, so that the pirate, who had no share in the cost of production had an undisputed share of two-thirds the profits. But in the foreign trade the insufficiency was still more apparent—a shipment could hardly be made to a distant market, sales made, and the order repeated, within three months, or even within four or five. A course of post could not bring a repetition of the order before the copyright should have expired, and Mr. Lucas, whose whole trade was an export one, openly declared that fact, and justified his employment of piratical printers, on the ground that for him they could not possibly infringe the law, as it was impossible to send goods to the West Indies and receive an order back for copies of them before the copyright expired; and he could broadly state to the committee that in the foreign trade “he never felt the term of three months to be any protection to the printer at all.” A still more striking case occurred where the same goods were suited both to the home market and to the foreign also. These articles were generally prepared and printed in summer in each year; they were ready for delivery for export in September, and the sale for them commenced in the home market in the January following, and lasted till the following July. Now, it was utterly impossible to secure the profit of both these markets within the term of the three months—one or other of them he must of necessity surrender to the pirate. If he dated the commencement of his copyright from his delivery for the foreign market in October, the term was out before his home sale commenced in January; and if he deferred the necessary steps for securing the protection till January, in order to secure the sale at home, he was certain to have the patterns pirated which he had exported three months before, and copies of them sent into the home market in competition with his own. One class seriously injured by the present law were the parties who sent out muslins to be embroidered by the needle; in Scotland and the north of Ireland a branch of trade which gave most extensive employment to females in their own houses and families. Some of these goods took many months to work with the needle, and as the design was printed on the cloth in outline before it

was sent out to be embroidered, the pirate could copy it with impunity, and have his imitation in the market as early as the original producer. To this class of employers the inconveniences were of the most serious character, and an extensive employer at Glasgow thus described its effects in a letter to him:—

“In the district of the north of Ireland, where this system of wholesale piracy is carried on, almost every Scotch manufacturer withdrew his work for a time, at least during the last year, and pushed the bonnet elsewhere. The consequence of this was a great reduction in prices, and distress amongst the workers; and thus, for the want of a proper protection for design, a branch of business affording employment to thousands of the industrious females of Ireland suffers very materially. And we may be allowed to say that there is no branch of the national industry that is more deserving of the protection of the Legislature than this of hand-sewing or embroidery, for, although in amount it may be insignificant as compared with others, it is to be considered that the employment is given to the females in their own houses; there is no congregating together of the people in masses, as in the towns and districts which are the seats of the cotton manufacture. Its benefits are known to every one acquainted with the condition of the people in the north of Ireland and Scotland.

“We have taken opinion of counsel on one case, who concur that our goods, being printed in the first instance, are entitled to three months’ protection from the date of publication. But observe, our date of publication is the day of giving out to the worker to be sewed; and as the sewing and otherwise preparing for market, by bleaching, &c, varies from six weeks to three months, it is evident that even if we succeed in establishing our claim to protection it is a very inadequate one.”

Two other branches of manufacture were also petitioners for this extension—the printers of furniture calicoes for hangings, the production of which were tedious, and their sale, being less liable to the fluctuations of taste and fashion, extending over almost as many years as the sale of a dress did months; and the paper-stainers, whose business was overrun with dishonesty and piracy, from their utterly inadequate term of but twelve months’ copyright. For all these evils the parties were persuaded that an effectual remedy would be found by simply extending the protecting term to twelve months instead of three, as at present. It would encourage the arts of design and give increased employment to designers and artists, as every individual must then be driven to produce original inventions,

where he now subsisted by the filching of pirated imitations and servile copies. It would complete the efficiency of schools of design, by giving the artist a security for the exercise of his profession, after having afforded him the opportunity of acquiring it; and, by raising the general character of British goods to an equality in taste and beauty with those of foreigners it would augment the consumption and add to the general trade and manufacture of the nation. The statement which he had now made comprised the principle arguments in favour of the measure which he was desirous to have introduced. It was premature for him to anticipate the arguments which might be brought against him, but he was perfectly prepared to meet and to refute them. And whilst he reserved any discussion upon these points to a future stage of the measure, when they would in all probability be stated in detail, he thought it his duty thus early to intimate that recent circumstances had placed him in a position to combat them much more satisfactorily than he had an opportunity of doing last Session. These arguments had chiefly reference to an anticipated difficulty of distinguishing between what was an original, and what a pirated design under the new law; but the parties who had dwelt upon this seemed to forget that that was a question incidental to any law of copyright, whether of three months or twelve; and in any case, whatever were the duration of the term, the abstract question of pronouncing between the invention and the copy must pertain to any law which professed to give a protection to the one against the encroachments of the other. But this, and a number of similarly untenable devices which had been relied at first upon by the opponents of the measure, were all eventually abandoned in the committee, and the entire justification of the opposition narrowed to a fear that under the new system, whilst the English copyist was tied up for twelve months, the foreign one would be left at perfect liberty to pirate our designs, and that they would do so and undersell us in those neutral markets to which we at present exported. And as the probability of this being attempted depended mainly on the possibility of a foreign printer producing the same design cheaper than the English one, some very wild assertions were made to the committee to the effect that the printers of Belgium, Germany, and the States of the Prussian League could at the present moment pro-

duce twenty-five per cent. cheaper than England. Now, he had in the course of last year made a visit to Belgium and all the manufacturing districts of the Prussian League, with a view to see for himself the results of that enlightened commercial experiment, and he was prepared with documents of the most authentic character from the printers of those countries themselves, which he would produce when the proper time came and the question was fairly raised; and what would establish under their own hand, that, so far from being able to compete with the English printer in neutral markets, they were overwhelmed with his productions in their own—in spite of prohibitory duties, amounting on an average from forty to fifty per cent. The manufacturers of Belgium, Prussia, Saxony, and Bavaria, when he had shown them the evidence regarding that given before the committee of last Session by persons professing to speak from personal experience of their trade, pronounced them to be false, and perfidious, "*per fide et mensongère.*" So long, in fact, as England could supply, by means of machinery 200,000,000 of her own subjects and dependants, she must of necessity be enabled to undersell the Germans with their population of 26,000,000, and the Belgians with only 4,000,000. England, in fact, had nothing to fear from foreign competition, if she were but "true to herself" and to her own artists. It was to induce her to be true to them that he introduced the present motion—to induce her to put her own artists on the same footing with other countries, and to give her own manufacturers the same security which they enjoyed; and if, added to her undisputed power of producing cheaper than any nation of the world, she could attain the facility, by means of protection and encouragement, of producing as beautiful and as refined articles as those of France, it would be impossible for any country of Europe to enter into competition with her, thus armed with a double superiority. The hon. Member concluded by moving a resolution that the chairman be directed to move the House that leave be given to bring in a bill for extending the term of copyright in designs for printing woven fabrics and paper hangings.

Mr. Mark Philips said, that when this subject was brought under the attention of the House, in the course of the last Session, he had felt that it would not become him to oppose the institution of the inquiry

which was then proposed, because he did not then feel confident of the impolicy of the adoption of a measure which should have the effect of extending the copyright of designs; but now having paid close attention to the evidence which had been brought forward upon the question before the committee, that which had been only a doubt in his mind, had ripened into a firm opinion that it would be inexpedient to assent to the proposition which was now made by his hon. Friend, the Member for Belfast. Connected as he was with so large a branch of the trade of this country, interested in the subject now under discussion, he felt that he could arrive at no conclusion satisfactory to all those whose interests were involved in its decision; but while he felt that his opinion must be hostile to some, he had endeavoured to come to a conclusion founded upon no personal motives, but entirely upon a sound and just consideration of what he believed to be its important bearings. He was opposed in principle to the extension of the copyright which was suggested, but at the same time he should not now oppose the motion of his hon. Friend, leaving the mature discussion of the whole of the details of the measure to a more convenient opportunity. He was, he confessed, one of those who had not got rid of what might be called a bug-bear—namely, the apprehension of the mischief of foreign competition. He had not had the same opportunity certainly of inspecting the manufactures of foreign countries as his hon. Friend, but his opinion was formed upon the evidence which had been produced before the Committee. It was upon that evidence that the public must come to a conclusion, and he was bound to consider the matter in reference to it. He conceived that if the House proceeded to legislate with regard to the copyright of designs, they must look to what would be the chances of competition which would present themselves in years to come; and he must say that he could not but believe that the proposed extension of the copyright would hold out an inducement to persons in this country to apply to persons abroad to copy the designs which might be published, by which means designs might be procured fully equal to compete with the originals. He could not avoid the apprehension that this would be the case, and the fear was induced by his perusal of the evidence. He thought, too, that there was no rule with

reference to the copyright of design which could be made applicable to the whole system, and on that account he was indisposed to venture upon the adoption of any new legislation. Most undoubtedly the carrying out of the measure which was proposed would, in his opinion, give rise to much litigation; and when he looked at the existing law and its operation, besides the present state of the trade, he was convinced of the impolicy of introducing any new system which should make the trade less profitable, or which should make it distinguished for the litigation of its members as to what was, or what was not, original; and he said this, not merely upon the general grounds of the inexpediency of such a result being produced, but because the interests of the trade would be materially involved in the discussion of minute questions of the originality of patterns, without any (the smallest) benefits being produced to the consumer. The consumer undoubtedly was the most important person whose interests were to be considered, and if there was anything in the proposed law which should have the effect of increasing the cost of the article of consumption unnecessarily, he conceived that that was a sufficient ground of opposition to the measure. A constant succession of new patterns was, in his opinion, the main object to be gained; but that was an end which would not be effected by this measure; and the continuance of the maintenance of any particular matter was of no real importance to the public. The truth of this observation was shown by the fact, that those who had made the greatest exertions to meet the public taste had been found to succeed the best. He repeated, that it was not his wish to oppose the introduction of the bill. Opportunities would be afforded hereafter for the discussion of its provisions more in detail, but he had thought it right to take this opportunity of stating, that his opinion had undergone no change; otherwise than to lead him to a conclusion of the inexpediency of extending the copyright. If his hon. Friend had any further evidence which he could produce upon the subject of foreign competition, he might not, perhaps, think it unfit that the committee should resume its labours of inquiry.

Mr. *Labouchere* said, that as he was aware that there would be other occasions of discussing this question, he only troubled

the House in order to set the hon. Member for Belfast right upon a matter of fact, upon which he imagined that he had fallen into error. The hon. Member had said very truly, that the law, as it now stood had been proposed to be amended by Lord Sydenham, and that he had proposed to give the manufacturers an extension of copyright to twelve months, provided they would accept a system of registration in conjunction with it. He knew that that had been the first proposition of his noble Friend, but he had reason to believe that before this inquiry Lord Sydenham had great doubts whether he could, with safety to the trade, have asked the House to extend the copyright for twelve months. When the hon. Member in the course of last Session, brought forward his motion, he (Mr. Labouchere) readily acceded to what appeared to be the general wish of the House, that in a case in which there were such conflicting statements, the whole question should be submitted to the inquiry of a select committee, and he was in hopes from the exertions which were made by that committee, and from the means which they had of looking into the subject, that some well-digested scheme would have proceeded from them, supported by facts and arguments which would have justified its adoption by the House. He found, however, that he was disappointed—that on both sides there were conflicting statements—that persons who were deeply interested in the matter had expressed views on the subject which were distinctly opposed to each other. Among the petitions which were presented to the House, he found some proceeding from those manufacturers who were engaged in producing the best goods in favour of the alteration of the law, while on the other hand those who were engaged in the production of the commoner articles, and who were to be found mainly located in Lancashire, expressed their apprehension at any change being made in the law. It was to be observed that this latter class was one of the highest importance. It was from them that the major part of those manufactured goods proceeded which were the subject of export, and they formed a class whose interests must be considered as of the highest importance. The committee when they were engaged in the consideration of the question, appeared to be equally divided as to whether they should express any opinion to the House. When the

question was raised of whether they should make any report or not, it was found that there were six for the report and six against it, and the hon. Chairman gave his casting vote in favour of the report.

Mr. *E. Tennent* wished to explain—The first motion for a report was met by a motion that there should be no report, and carried, he must admit, by his casting voice. The next question was, as to whether the report should be in favour of, or against the extension of the copyright, when six Members voted in favour of the extension and three against it.

Mr. *Labouchere* would not discuss this matter with the hon. Gentleman now, but the hon. Gentleman must admit, that it was by a bare majority the report was agreed to. Under these circumstances he confessed that he remained in the same opinion as that which he had entertained last year. He admitted, that he thought that a case of great hardship had been made out on the part of those who, having gone to the expense of procuring designs to be made, afterwards found that other persons had profited by their labour and exertions; and he wished that he could redress their grievances, but he felt that he could not do so without inflicting greater injury on others—without producing litigation in this country, and difficulties and inconvenience to our foreign trade. He could not agree with the hon. Member opposite, that the fears which had been expressed on the subject were quite so visionary as he described. He should be ready to give the measure, when it was introduced, his best consideration; but he would wait to see in what manner the hon. Member proposed to apply his principles before he expressed any decided opinion upon it, because he felt that on a question of such magnitude and importance, one false step might produce the most serious consequences. He had stated last year that he thought the best way would be to extend the copyright on the system of registration to six months, and he still thought that that might be the best course to adopt; but at present he held himself undetermined as to the decision to which he should come. He hoped that when the hon. Member brought in his bill he would give it time to be fairly and duly considered, not only as to its principle, but as to the mode in which that principle was to be carried into effect.

Mr. Colquhoun wished to ask, if quantity and cheapness were of the utmost importance to our foreign trade, in what respect could cheap calicoes be affected by the extension of the copyright, while the present state of the law was of serious injury to the finer branches of the trade. He entreated the right hon. Gentleman to consider if he looked to foreign markets and the markets of Europe alone, whether he would not effect his object better by taking care of the finer branches of the manufacture. The right hon. Gentleman had said, that the trade was nearly divided on the subject, but he could say, that, as far as the calico trade was concerned, there was an overwhelming majority in favour of the extension. If hon. Gentlemen would look to that large volume on the table, they would find abundance of evidence in it. In Manchester the trade was suffering to a large extent for want of the proposed protection. The hon. Member for Wigan had frequently brought before the House a plan for establishing a school of design, in connexion with our manufactures, but no school of design could be more effective than giving a liberal scale of remuneration, and thus raising the character of our designs by employing a higher class of artists. On all those grounds he hoped the right hon. Gentleman would extend the copyright to twelve months, or, at all events, to six months.

Mr. Morrison conceived that it was of the greatest importance that in this country the most liberal attention should be given to the improvement in the arts of design, in reference to our manufactures. There was a wide difference between the position of England in this respect and France, and the vast superiority which France had over us was most strikingly manifested by the magnitude and success of their silk trade. The very heavy amount of duty which they were enabled to pay, and yet sell their goods to advantage in our market, afforded a convincing proof of their superiority over us. They purchased the material at the same market with us, their labour was not less expensive than ours, and yet, by reason of the great superiority of the articles which they manufactured, they were enabled to obtain a price remunerating them for all their necessary outlay. He had adverted to the silk trade, because it was the most remarkable, for their cotton trade was by no means so suc-

cessful. We had hitherto forced our foreign trade by the cheapness of our goods, but if we were to maintain it any longer it was necessary that we should be able to improve our designs. He thought, however, that it was not merely an improvement in our arts, of which we stood in need, but that we required what might be termed an English style. He might give some offence by saying so, but the real truth was, that there was no English art of design. All the designs we had were wholly or in part foreign—altered, no doubt, from the originals, but the alterations were generally of such a character as that the less extensive they were the better, and that if the original designs were altogether untouched it was best of all. It was true, he admitted, that there were many manufacturers who did not resort to this system, but who employed persons of superior talent; but with reference to the ordinary manufacturers, he believed that our supposed superiority over the continental manufacturers was derived from the causes which he had pointed out. America to which very little attention was paid, was progressing rapidly in its cotton manufactures. Already as many as 300,000 bales of cotton were consumed there, and she was gradually manufacturing one article after another, and extending her trade in all directions. In China, the Pacific, and even the Levant, they were beating us in our trading, and were driving us out of the market, and we must not imagine that the advantages which we had so long enjoyed would continue for ever. It was necessary to improve our designs in manufacture, in order to maintain our position; and he would cordially join the hon. Member opposite in endeavouring to give the manufacturer all that he would be entitled to, although he could not support him in the measure which he proposed to the House. The only other thing to which he would advert was the term of extension. They should consider that the articles which were produced were sold, if at all, within the following three months. In common justice he thought it right to give the inventors the whole season from the time of publication. He did not think the public would suffer if some extension of the present term were conceded, and he believed that an extension to six months was as much as any manufacturer would desire, as the same patterns which were produced

in the summer were seldom required for the winter; and if the term were extended to twelve months, it would extend over two seasons, which was unnecessary. The establishment of schools of design was undoubtedly essential in a manufacturing country like this, and it might be considered somewhat discreditable to former Governments that we had been so long without them; but it was impossible for the manufacturers to give employment and sufficient remuneration to the artists educated in those schools, unless they could ensure a sufficient return by the first sale for the capital expended in the production of the design. He should support the motion now before the committee; but when the details of the bill should come under discussion, he should support the proposition for extending the term to six months, instead of twelve.

Mr. *Williams* said, that after having paid great attention to the evidence taken before the committee who had sat on that subject, he had come to an entirely different conclusion from the hon. Member for Belfast. He was persuaded, that a change in the present law of copyright of designs would prove most injurious to the calico-printing trade of this country. The present law had been in operation for more than fifty years, and during the whole of that period, though many of the principal persons engaged in the calico trade had seats in that House, not one of those parties had proposed any alteration of the law. He was sure that if they extended the period of protection to designers, such a measure would be a source of endless litigation. All designs were taken from the vegetable or animal world, and how was it possible that every pattern taken from those sources, could be a completely new one? One of the largest calico printers in this country, had stated, that 250,000 patterns were produced here annually; and there could be no doubt, that not less than 30,000,000 of designs had been produced within the last fifty years. How, then, was it possible, that new patterns could be anything more than a compound of the old ones. If, therefore, they held out the prospect of a higher reward to designers, they would be introducing a measure which would probably lead to litigation and abuse. He would give his most decided opposition to any attempt to extend the copyright of designs, from an impression that it would

be most injurious to that branch of our manufactures.

Mr. Sergeant *Talfourd* would not detain the House from the business before it, but having applied himself for some time to the consideration of a subject nearly akin to this, and being of opinion, that there was some analogy between inventions in machinery and the fine arts and literary productions in respect to copyright, he could not allow this discussion to pass without expressing his entire sympathy with the hon. Member for Belfast in the object he had in view, and tendering him his humble support. He quite agreed in the principle that there was a property in works of art, and that it was necessary to give some incitement to the exertions of genius and skill in the way of a right of property in the production, whatever it might be, be the term longer or shorter. With respect to his own bill (the Copyright Bill), he thought he had been defeated merely by an accident, and not by any argument that had been brought forward against him. He had no doubt that the result would be different when he brought forward the measure next Session. While he remained a Member of that House, he was determined not to lose sight of that which he considered to be no more than justice to literary men, viz., to give them a right of property in their own productions.

Mr. *O'Connell* would make an observation which was, he thought, rendered necessary by what had fallen from the hon. Member for Inverness. It was said, that competition was increasing daily between the manufactures of this country, and those of foreign countries in neutral markets, and that the day was fast approaching when the manufactures of those countries would be offered as cheap as our own; and it was also said that there was more of talent, skill, and taste, brought to bear in the manufacture of foreign goods than our own. What followed? Why, that we must compete with those countries in those higher qualities. He thought the argument of the hon. Member for Inverness was as much in favour of an extension of the term of copyright in designs to twelve months as six. The hon. Gentleman's conclusion did not agree with his argument; and he (Mr. O'Connell) hoped that at a future stage of the bill he would see the propriety of supporting

the proposition for extending the term to twelve months. The only question was as to the time of protection, and he thought it a paltry matter to quarrel whether it should be six or twelve months.

Mr. *Hume* thought, that his hon. and learned Friend, who had just sat down, was going a great deal too far. Was he certain that the granting protection ensured excellence? How was it that other countries excelled without protection being afforded them? The manufacturers of chintz in Switzerland had never been excelled, and there they had no protection. He mentioned that country because there they had no custom-houses, and the Swiss manufacturer laboured under the disadvantage of having to bring the raw materials a long way by land to his manufactory. He thought instead of extending the time they ought rather to consider whether the three months at present allowed was not too much, whether they ought not to do away with all protection. The whole doctrine of protection was a fallacy. The witnesses who had been examined said, that three months was no protection, and if so, there could be no harm in doing away with it. He thought, the Government should correct the errors of the old times, and do away with what is falsely called protection altogether. The true way to excel was to pay attention to those arts by which our manufactures might be made superior—we were superior in weaving, why should we not be in all other arts? He, for one, thought, that all protection should be withdrawn.

Mr. *Brotherton* thought, the House ought to pause before coming to a decision, when they considered the conflicting nature of the testimony given before the committee, and that the report in favour of copyright had only been carried by a majority of one. There was something like justice in asking, as the learned Sergeant had done, for a copyright for authors; but who would stand up and ask for a copyright for booksellers? Yet that was what was sought to be obtained by the present bill. These designs were not the inventions of the master printers themselves—they were purchased by them for a few shillings—and this bill was to enable them to make rapid fortunes by taking advantage of the inventions of others. He agreed with the hon. Member for Kilkenny, that there was no necessity for any copyright at all. It took two months

to prepare the plates before a design could be struck off, so that after any design appeared it would be three months probably before a copy of it could be in the market. The bill would give rise to endless litigation. He did not see how it was possible to distinguish between a copy and an original pattern, and unless a system of registration were established, it would be impossible for the honest tradesman to know whether the designs he might purchase were copies or not. The bill was calculated to favour the few at the expense of the many, and he thought it was best to let well alone, and not make any alteration in the present law.

Mr. *Warburton* thought his hon. Friend, the Member for Kilkenny, went too far. He thought, with regard to the copyright, both in literary works and mechanical inventions, no one could say that no remuneration ought to be afforded to the inventors. The great object to be kept in view was to reconcile the interests of the inventors with those of the public, to give some short period of copyright, just sufficient to act as a stimulus to the inventor, and having done so, to secure the reversion to the public. That was the proper principle to found a bill as regarded literary copyright, and the copyright of designs. If, as the hon. Member for Inverness stated, the foreigners were so rapidly overtaking us, that in two or three years, they would be able to manufacture as cheaply as ourselves, they ought not to extend the copyright an inch beyond the time absolutely necessary, as the designs might otherwise be carried to foreign countries, where fac similes would be produced at a cheaper rate than the original was, inasmuch as they would not have to pay the original designer. He thought the term proposed by the bill would be a hazardous term for the export trade of this country if it were carried into effect.

Resolution agreed to.

The House resumed, and the resolution was reported, and a bill founded on it, ordered to be brought in.

ADMISSION OF JEWS TO CORPORATE OFFICES.] Mr. *Divett* said, that he had been induced to call the attention of the House to the subject which he was about to introduce to their notice, in consequence of a petition which he presented a few days ago from a gentleman of the Jewish persuasion of the name of Salo-

mons, who had been prevented serving a high office in the Corporation of London, to which he had been elected by a large body of his fellow citizens, in consequence of his religious opinions. This gentleman had served the office of high sheriff of the county of Kent, and also that of sheriff of London and Middlesex. At about the completion of the term of his filling the latter office, he was elected by a large majority of the inhabitants of one of the wards of the city of London as their alderman; but he found the declaration he was called upon to take before he could proceed to exercise the duties of this office was of such a nature, and drawn up in such terms, that no gentleman of the Jewish persuasion could possibly take it. It appeared, therefore, that no gentleman professing that religion could hold the office of alderman in any corporate town in this country. The Act 9 George 4th., removed the restrictions from other dissenters, as regarded filling corporate offices, but it made an exception in the case of the Jews by the mode in which the declaration was framed. He trusted that the House would extend to the Jews the same privileges which they had granted to other dissenters, and he hoped that another Session would not be allowed to elapse without their removing the anomaly which existed with respect to them. The hon. Member concluded with moving for leave to bring in a bill to allow individuals professing the Jewish religion to make the declaration contained in the Act 1 and 2 Vict. c. v. and xv., "For the relief of Quakers, Moravians, and Separatists, elected to municipal offices."

Sir R. Inglis did not object to the motion on any personal ground to the gentleman who had been alluded to, nor in consequence of the magnitude of the demand made; but he did so on the ground that, by their constantly giving these little concessions, they were gradually leading to great and serious changes. He was sorry to say that this system had long been pursued in that House, and which, if continued, he feared would ultimately lead to the greatest evils. He thought, also, in the present case, that the motion ought rather to have been for leave to bring in a bill to enable David Salomons, Esq., to make such a declaration as would enable him to serve the office of alderman of the city of London. He denied that this was a question of religious toleration,

and he contended that the Jews were not entitled to hold either this or any other corporate office, or any other civil privilege, on the ground that they were of a different nation, and ought not to be regarded as Englishmen. Any Jew, if appealed to, would admit this distinct nationality. He objected to the measure on the grounds which he had stated, but should not divide the House on the subject in its present stage, but would do so on a future occasion.

Mr. Warburton was rather surprised at the argument of his hon. Friend, as to the independent nationality of the Jews. Did his hon. Friend forget that the Jews at present possessed many privileges which they held as natives of this country. The law enabled them to purchase and inherit real estates, and they now enjoyed the privileges and incurred the risks in common with other possessors of property. According to the law, an alien could not hold real property; his honourable and orthodox Friend, therefore, to be consistent, should propose a motion for leave to bring in a bill to deprive the Jews of all the landed estates they possessed, on the ground that they were foreigners. A great outcry had been raised against Mehemet Ali, for the persecution of the Jews in Syria, but would any one deny that a similar spirit was then manifested in that House. He contended that the cases were similar, for what, then, was it but persecution to exclude an honest and conscientious man from an office which he was otherwise eligible to fill, by calling upon him to take a religious test?

Mr. W. E. Gladstone said, that it appeared to him that the speech of the hon. Gentleman who had just sat down, was the best justification which could have been pronounced, for the course which had been pursued by his hon. Friend, the Member for Oxford University, (Sir R. Inglis). He understood his hon. Friend to say, in effect, that this motion was not to be considered so much in respect to its intrinsic value, as to what it might hereafter lead to. This was an important question, because upon it rested the point whether the Jews should or should not sit in Parliament. The hon. Gentleman opposite (Mr. Divett) must see that he was under some obligation to his hon. Friend for not dividing the House (there not being forty Members present); but he thought it would be unfair to do so, because it would

be better to allow the question to proceed to a further stage. At the same time he believed that the hon. Gentleman would find that there was a large amount of objection to this principle. He had no disposition to press upon individuals, but it was matter for consideration, at the same time, whether they should admit Jews into a Christian House of Legislature.

Mr. *Hawes* contended that the state was not justified in interfering with a man's religious opinions, as a ground of exclusion from a civil office. The only ground of justification for interfering with a man's civil rights was his violation of some law. He was satisfied that the result of the future discussion of this and other bills of the kind would be the extension of the opinion he had just expressed.

Mr. *A. White* observed that the case of Mr. Sheriff Salomons was not solitary, for in the town of Sunderland, which he represented, a gentleman of the Jewish persuasion, a most influential shipowner and merchant in the town, had been elected a member of the town council, and was prevented taking his seat because he could not conscientiously take the oath that was tendered to him. He also felt that the continuance of these religious restrictions on the Jews was a stumbling block in the way of their conversion to Christianity.

Leave given.—Bill brought in and read a first time.

HOUSE OF LORDS,

Thursday, February 11, 1841.

MINUTES.] Petitions presented. By Lord Brougham, from Glasgow, for the Extension of the Suffrage, Repeal of the Property Qualification, and that the duration of Parliament may be Shortened.

TRIAL OF THE EARL OF CARDIGAN.]

The Earl of *Shaftesbury* brought up a further Report of the Committee, and moved for an order for the attendance of certain witnesses on the trial of the Earl of Cardigan on Tuesday next. His Lordship also moved

"1. That notice be given forthwith to Thomas James Earl of Cardigan to appear at the bar of the House on Tuesday, the 16th day of this inst. February, at 11 of the clock in the forenoon, in order to answer to the indictment which has been found against him.

"2. That notice be forthwith given to the bail of the said Earl, to acquaint them with the said requisition.

"3. That upon the appearance of James

Thomas Earl of Cardigan at the bar of this House on Tuesday, the 16th day of this instant February, the Gentleman Usher of the Black Rod attending this House do forthwith take into his custody the body of the said James Thomas Earl of Cardigan.

"4. That in case the said trial shall last more than one day, the Earl of Cardigan shall remain in the custody of the Gentleman Usher of the Black Rod."

IRELAND.] Lord *Hawarden* having moved for the production of certain returns relative to the working of the Poor-law in Ireland,

The Earl of *Devon* wished to ask of the noble Marquess (Normanby) whether he had received any information respecting the Surveyor of the Coleraine Union, in the county of Tipperary, having entered in the book from which the official returns were made against certain erasures in the list, the word "Tory," as he (the Earl of Devon) had received information that such was the case; and he thought that if the surveyors so far forgot their duty as to indulge in this manner their political feelings, it was a practice much to be deprecated. If the noble Marquess had received no information on the subject, he requested that he would make inquiries, and if he found that it was the case, express the disapprobation of the Government at the practice.

The Marquess of *Normanby* said, the statement of the noble Earl was the first he had heard of the subject, but he would certainly make the inquiries he desired; but from his knowledge of the character of the Assistant Commissioner, he did not believe he could have acted in a manner that would be so contrary to the spirit of his instructions.

Returns ordered.

SOCIALISM.—FREEDOM OF DISCUSSION.] Lord *Brougham* presented petitions from the members of the Universal Rational Religious Society, Reading, Glasgow, and Northampton, complaining that their doctrines had been misrepresented, and praying for an inquiry into them. He presented these petitions because they were respectfully worded, and because the parties complained of misrepresentation. He, therefore, deemed it his duty, as the petitions had been put into his hands, to submit them to their Lordships, although he was himself unacquainted with the subject and totally uninformed whether the

charges alluded to were well founded or not. He wished, however, to take that opportunity of once more stating to their Lordships his firm belief—a belief which all his experience and observation had tended more and more to confirm—that if there were any absurdities so great as not to bear the testimony of calm inquiry for one instant; if there were any thing so revolting to men's feelings in the principles of these parties that all must shrink from the consideration of them with abhorrence and disgust; if their doctrines were so profligate as had been stated, no mode more effectual to diminish the natural abhorrence which these doctrines might inspire could be devised than making those professing them the objects of persecution and punishment. He entertained that opinion still more strongly with regard to political opinions, however revolting they might be. His belief was, that any attempt to put down such principles by prosecution, and by checking the discussion of doctrines which, if left to themselves, would die a natural death, was a course fraught with inconvenience and danger. He applied that to all doctrines, as well religious as political, and he applied it to political heresies of the most revolting kind. He included under it the Repeal of the Union in Ireland, and his deliberate opinion was, that his noble Friends behind him had been ill-advised if they held out, as he understood they had, to parties in Ireland, that whoever took part in the discussion respecting the Repeal of the Union, must no longer look to the countenance or the patronage of her Majesty's Government in Ireland. He believed that was not the way to put down the repeal agitation, but that if left to itself it would die, like all others, a natural death.

Petition laid on the table.—Adjourned.

HOUSE OF COMMONS,

Thursday, February 11, 1841.

[MINUTES.] NEW MEMBERS.—Lord Viscount Eastnor, for Reigate; the Earl of Listowel, for St. Alban's.

Bills. Read a second time:—Court of Exchequer (Ireland);

Tithe Compositions (Ireland).—Read a first time:—Turnpike Acts Continuance (Ireland).

Petitions presented. By Mr. Hodges, and Mr. V. Smith, from Bromley, St. Mary Cray, Chisselhurst, Northampton, and other places, against the Bill for Continuing and Increasing the Power of the Poor-law Commissioners.—By Mr. F. French, from the Medical Practitioners in Mayo, and other places, for the better regulation of Medical Charities.—By Mr. Greene, from Turnkeys, and other Officers of Gaols, for some legal provision for their Support.—By Mr. Hume, from Anderston, for an Extension of the Suffrage.

[NIGER EXPEDITION.] Lord Ingestrie wished to ask a question of the noble Lord, the Secretary for the Colonies, on the subject of the Expedition to the Niger. He understood, that the steamer had been delayed much beyond its time, and the consequence was, that the expedition, if now sent out, would arrive out at the most unhealthy season of the year. He wished to know, whether the Government intended that it should now proceed?

Lord J. Russell said, that the steamer was delayed, because it was ascertained, that the waters of the Niger were not sufficiently deep to admit that vessel, till later in the year.

Mr. Hume wished to ask whether the noble Lord would have any objection to lay before the House a copy of the instructions given to those who had charge of the expedition? The public, in fact, did not know what were the objects of this expedition.

Lord J. Russell said, that the instructions were laid on the Table of the House last year. He was not prepared to lay any other instructions before the House on the subject.

Lord Ingestrie asked whether the expedition would not arrive on the coast at the most unhealthy season of the year, if sent out at the time fixed for its departure?

Lord J. Russell said, that the climate on the coast might be unhealthy, but it would not be found so as the expedition advanced up the river.

[CLAIMS ON PORTUGAL.] Viscount Sandon was very sorry to be obliged again to trouble the House with a question which had already too often occupied its attention. He had hoped from what transpired last Session, that the claims of British subjects upon the Portuguese government were in a fair way of being adjusted, and would require no further interference on his part. But on his return to London, he found, that the settlement of the claims of British officers and soldiers upon the Crown of Portugal, were exactly in the same position as when the Parliament closed. He found, that there was not one claim settled, and that no step had been taken towards the final adjustment. In order to show the House, that he was not needlessly complaining of delay, he would remind them of the state of this question. In the first place, these

claims had now remained unsettled for the space of six years. In the month of March, last year, his noble Friend, the Secretary of State for Foreign Affairs, announced in that year, that the Portuguese government had at length agreed to appoint commissioners for the purpose of settling these claims. In answer to a question which he put to his noble Friend, he stated, that a commissioner had been appointed by that government, and on the 30th March that a commissioner had also been appointed by the British Government. In May, the Portuguese commissioner arrived, and in the month of June, the claimants applied to the British commissioner for information how they were to proceed. On the 29th of June, he took the liberty of putting to his noble Friend further questions, and the reply was, in a few days the commissioner would be able to begin the investigation. The first sign of life which the commissioners publicly gave, was an announcement in the month of November, that they were appointed, and even then they did not say, that they were prepared to investigate claims. It was not till the month of December, that they invited the claimants to bring their claims before them. Now he had discovered that up to that very moment there had not been a single claim investigated. A question still existed, he believed, between the commissioners, or between the Governments upon what principle these claims were to be adjusted, or what was the contract upon which they would rest. Considering that it was stated in the early part of last Session, that there was then no question at issue that might not be settled in a few days, and that if the Portuguese government did not proceed with the matter within fourteen days, the British Government were prepared to take the question into their own hands, he was surprised that the British Government should not have made up their mind earlier what was the contract upon which rested the claims of British subjects; and if they had not yet done so, he thought the earliest steps should be taken for the purpose of effecting an adjustment. He was most anxious to call the attention of the House to the condition of the question, and he should, therefore, take the liberty of moving for the following returns;—

“A copy of the mixed British and Portu-

guese commission for investigating and determining the naval and military claims on the Government of Portugal, arising out of the late war of restoration; also a copy of the convention between the British and Portuguese Governments relating to the issuing of such commission; also a copy of the instructions and rules framed for the guidance and direction of the commissioners; also a return of what has been done by the commissioners, and what progress has been made in the investigation of claims, and the number of claims, if any, which have been investigated and adjudicated; and, if not any, the causes of the delay.”

Viscount Palmerston could assure his noble Friend, it was with great regret, that he was not able to state to him and the House, that these claims were fairly and amicably settled. But his noble Friend was mistaken if he fancied that he found matters now as they were when he left London at the end of the last Session of Parliament. On the contrary very considerable progress had been made, and he hoped no great time would elapse before these affairs would finally be brought to a settlement. The House was aware, that a long correspondence had taken place between the two Governments before they came to an agreement for the appointment of a commission to sit in London; the commissioners to consist of one commissioner named by the British Government, and another to be named by the Portuguese Government. It was also well known, that the Portuguese wished the commission to sit in Lisbon, but they yielded that point. Then a difficulty arose in the choice of a commissioner on their part, and one or two persons to whom the appointment was offered, found themselves unable to undertake the duty. At last, the Portuguese government selected an officer well qualified in every respect for the duties attending the commission—an officer conversant with the English military service, who spoke the English language, and whose character was calculated to inspire confidence, that while he would do his duty to his own country, he would not take an unfair advantage of the English claimants. When the commissioners met in London, the first thing required of them was to draw up a code of rules and regulations to guide them in the performance of their duties. This occupied some considerable time, but at last the code was prepared and signed by the Portuguese minister in this country, and by him (Lord Palmer-

ston) on behalf of Great Britain. The commissioners then proceeded, and the first and most important duty they had to perform was, to come to an understanding upon the difficult question of the several contracts of service, and though his noble Friend might imagine that point could be settled in a very few days, yet he (Lord Palmerston) could assure his hon. Friend, who could not be so conversant with the matter as he necessarily was, that this part of the duty was not quite so easy as his noble Friend seemed to imagine. One part of the arrangement between the Portuguese and British Governments was, that if the two commissioners should differ, they should refer the point in dispute to some person who should act as arbiter between them. After some further delay, it was arranged, that the arbiter should be the representative of some foreign government at this court, and the choice fell upon the Belgian minister, who was kind enough, at the request of the Portuguese minister, and at his request, to undertake the duty. The high character of that distinguished individual, the knowledge he possessed of Portugal as well as England, and the soundness of his judgment rendered him peculiarly qualified for the task he had the goodness to accept. The two commissioners, whilst employed discussing the question of the contracts, had not been able to come to a decision, and, consequently had each of them prepared a statement of their respective views of the question. He had seen the statement of the British commissioner (Mr. Alcock), a document which reflected great credit upon that gentleman's assiduity and ability, and both the commissioners were now just about to refer to the umpire the decision of the point of difficulty between them. When that point was once decided, the matters which would remain were of less difficulty, and he should hope, that when the principle was once established, the adjustment of the claims would not occupy any great length of time. With regard to the papers which his noble Friend had moved for, he had to state, that no convention had been signed, but that an agreement had been come to by a course of diplomatic communications, partly written, and partly verbal. As a convention did not exist, it could not be produced, but there was a code of regulations to which the third part of the motion of his noble Friend alluded, and that code

he had no objection to lay before the House.

Viscount *Sandon* withdrew the two first portions of the motion. He begged to observe that last year, his noble Friend had said the whole matter would be settled in a few days. He thought, that as there was no dispute about the [Sartorius contract, the claims under it might ere this have been disposed of.

Viscount *Palmerston* said, there had been no delay on the part of the commissioners; but it would have been useless to go into a detailed examination of the claims until the principle upon which they were to be disposed of was settled.

Sir *De Lacy Evans* said, that he had reason to believe the matter was now in a very fair course for a settlement; and he trusted it would be soon brought to a satisfactory conclusion. He wished to observe, that he felt very strongly as to the conduct of the Portuguese government; and he believed it would probably be found, that the whole of the delay of six years was attributable to the want of good faith on the part of that government. He thought it due to the claimants to make that observation. If the noble Lord, the Secretary for Foreign Affairs, should find by and by when the investigation was proceeded with, that these delays, and these cruel and arbitrary proceedings towards the claimants were distinctly to be traced to the Portuguese government, it was to be hoped that he would support, not the right to an ordinary compensation for the delay and vexation they had suffered, but the most ample compensation for every loss and inconvenience they had sustained.

Motion as amended agreed to.

DESTITUTION IN THE HIGHLANDS—
EMIGRATION.] Mr. *H. Baillie* said, it was with no ordinary feelings of embarrassment that he rose upon the present occasion to bring forward the motion of which he had given notice, for a select committee to inquire into the condition of the population of the western highlands of Scotland, with a view to affording the people relief by means of emigration. He felt deeply the responsibility which must devolve upon any one who came forward as the advocate of a large body of his fellow-countrymen, whose future prospects of happiness or misery might in some measure depend upon the manner in which their case was

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represented to that House, nor should he have ventured to undertake the task did he not at the same time feel that this was a question of humanity and of justice, and therefore that it needed no artificial advantages or embellishments of any kind to recommend it to the serious attention and consideration of the House. He must, in the first place, state, that he was not one of those enthusiasts in the cause of emigration who thought that the Government ought to bring forward a measure, or establish a system of emigration upon a large and extensive scale for the population of the United Kingdom; on the contrary, he was of opinion, that unless a very urgent, special, and peculiar case could be made out—unless he should be able to make out such a case upon the present occasion, the Government would not be justified in their interference, or that House in giving its support to the motion with which he should conclude. It was hardly necessary to enter into a very lengthened or detailed history of the kelp manufacture upon the western coast of Scotland; it was quite sufficient for the House to know that it once existed—that it was in existence so far back as the end of the seventeenth century, that it was one of those manufactures which had long been fostered and encouraged, perhaps unwisely, by protecting duties—that it was the means of affording occupation and existence to a very large population, which had been encouraged from time to time to settle in those wild and barren districts of the highlands where they had, comparatively speaking, no agricultural resources. The consequence was, that when those protecting duties were withdrawn, the manufacture rapidly declined, the people were thrown out of employment, and reduced to the utmost state of misery and destitution. The protecting duties to which he alluded, were the duties upon salt, sulphur, and upon barilla. In consequence of the sudden reduction of the duties upon salt and sulphur, a new manufacture came into operation, composed of those two substances, which was called British alkali, and which proved to be a complete substitute for kelp; this was the first great blow which the manufacture received. It still, however, continued to be employed for some purposes, until the reduction of the duty upon barilla, when it might be said to have been extinguished altogether as a profitable manufacture. True it was, that kelp was still manufactured, but only in small quantities gene-

rally for the purpose of employing the most destitute portion of the population, and for the most part at a positive loss to the manufacturer. The consequences which followed the reduction of those duties to the landed proprietors were ruinous in the extreme. True it was, that some of them with vast possessions had been enabled to contend against it, but the smaller proprietors, and those whose estates were burdened with family settlements, were absolutely and completely ruined. He knew the case of one gentleman whose whole estate was not sufficient to pay the settlements which were made upon his younger brothers during the flourishing state of the kelp manufacture; he was in consequence obliged to give up his whole estate to his younger brothers, and he himself was only last year sent out at their joint expense as a sheep farmer to Australia. He might mention other cases of similar hardship. True it was, they had been ruined, but they did not complain; they knew that there were occasions when private interests must yield to the public good. They admitted this, and did not call upon the House for compensation, but they did call upon Government, and he thought with fairness and with justice, to assist in removing the superabundant population from their estates, who, from no fault of their own, but in consequence of the legislation of that House, had been deprived of all means of existence. He knew he might be told by some that the measure which he proposed was too partial and restricted, that distress existed in other parts of the country as well as in Scotland, and more particularly in Ireland. He admitted the fact, but at the same time he submitted that the cases were widely different. In Ireland, for instance, there was a rich and fertile soil, capable of sustaining, even with its present imperfect cultivation, not only the population which now existed, but a much larger population. If then distress existed in Ireland, it proceeded from other causes, and not from any want of capability in the soil of affording food for the inhabitants; it might proceed from political causes, or from want of capital to develop the resources of the country. These were, doubtless, evils, but they were evils which it might be hoped one day to see removed. But these poor Highlanders had no hope or expectation that their condition could ever be improved,—no influx of capital, no ingenuity of man could devise means by which those barren rocks and

mountains which they inhabited could be made capable of affording food for the population which at present existed. For them there was but the choice of one or two alternatives—either to remain where they were and perish by diseases engendered by unwholesome, improper, and insufficient food, or to remove to some distant country, where by industry they might hope to obtain the means of existence; and, painful as must be the alternative of quitting for ever their native land, they were ready and prepared to adopt this course—nay, even to receive it as a boon, and all they asked was, that Parliament would afford them the means of removing. The famine which it must be well remembered by the House took place in the year 1837 was the natural consequence of the state of things which he had described. Upon that occasion some thousands of these poor people were saved from the most horrible of all deaths (starvation) by the prompt assistance which they received from Government, as well as by the philanthropy and the generosity of the British public. But if the evil had thus been arrested in its course, the disease was not cured, it still existed, and so certainly and so surely as that failures of their crops must, in the nature of things, again take place, so certainly would that famine again return, so surely would Government be called upon to interfere, and the British public be again appealed to. He asked the House whether this was a state of things which ought to exist in a civilized country, and whether the Legislature was not bound to take some steps to remove an evil which it had itself in a great measure been the means of creating? It was not his intention to occupy the time of the House by reading the various communications which he had received upon this subject in corroboration of the statements he had made, because such evidence would come much more appropriately before a committee. One of these communications, however, he would read to the House, because it proceeded from a Gentleman who for thirty years had the management of some of the largest kelp estates in the north of Scotland, one of which alone had at one time yielded a revenue in kelp to the amount of from 18,000*l.* to 20,000*l.* a year. This Gentleman, Mr. Duncan Shaw, after recapitulating all the measures which were taken by Government to encourage the population to settle in those districts, proceeded to say,

“So soon as the war was ended, without inquiring into the misery likely to be caused to one part of the empire by so sudden and entire a change of measures, the Government reduced the duties on barilla and sulphur, and entirely removed the duties on salt. By these measures barilla and British alkali came at once into competition with kelp, and soon reduced the prices from 14*l.*, 15*l.*, 16*l.*, and even 20*l.* per ton, to less than 3*l.* The income of one, Long Island, estate was reduced from 12,000*l.* to about 3,500*l.* Instead of yielding a large revenue, kelp came now to be manufactured at great loss to the proprietors; the consequence had been, in some instances, their complete ruin; their debts and family settlements remained burdens on their estates, while the incomes of those estates were reduced two-thirds. Nor was the reduction of income the only misfortune; the extra population created by the kelp manufacturers under the protection of Government remained a burden on their hands; not only were they obliged to import provisions for their extra population, but their presence prevented the letting their lands in large grazing farms, and so turning their estates to some account; the small tenants, far from paying rents, cannot maintain themselves, their allotments being necessarily so small. In proof of the state to which the kelp trade is reduced, I may observe that in 1838, 584 tons of kelp were manufactured on an estate under my management at a loss to the proprietor of 626*l.* 11*s.* 5*d.*, while the same proprietor has for the last five years imported at an average 500 bolls of meal for the use of his tenantry, independent altogether of the very large quantity sent by the committee for managing the funds subscribed for the destitute Highlanders. The next summer, I cannot estimate the probable import on the same estate at less than 800 bolls, and I have no reason to believe that the other estates in Long Island are differently situated to the one I have referred to; no person the least acquainted with the state of the population of those islands can entertain a doubt that provisions to a large extent must be annually imported till a very great portion of the population is removed; the people are unable to support themselves where they are, and equally unable to pay the expense of emigrating. The proprietors, already distressed by the loss of two-thirds of their incomes, are unable to support the people at home, or to assist them in going abroad.”

He had already said that the only remedy which could be applied to these evils was the removal of the people from the country, and he should now proceed to state why he considered Canada the best, most appropriate, and fittest place to which they could emigrate. The expense of emigrating to Canada was not above one-third that of emigrating to the more distant colonies of Australia. He was in-

formed that emigrants might be conveyed from this country to Quebec at the cost of about 3*l.* a-head, taking them by families; probably Government could do it at a still cheaper rate. According to the best calculations there were at least 40,000 people in a destitute condition who ought to be removed, in order to afford those who remained a fair chance of gaining a subsistence; the removal of this number, at the rate mentioned, would amount to a sum of about 120,000*l.*, which might, however, be divided over a period of three years, and he might venture to assert that 40,000*l.* a year for three years would effect all that could be required. Secondly, although these people were anxious and willing to emigrate to Canada, he doubted whether they could be induced to go to Australia. In Canada they knew that they would find many of their own relations and friends; they knew that they would find whole districts of the country peopled by Highlanders, speaking their own language, maintaining their own manners and customs, and, above all things, they knew that there they would find their own church established by law; thirdly, it appeared to him, that the Government ought not to neglect this favourable opportunity of infusing into Canada a sound, industrious, a British, and, above all, a loyal population. Parliament should not forget that it was to some regiments of Highlanders, raised from the districts of Glengarry, in Upper Canada, that they were lately indebted for the preservation of that noble province as a portion of the British colonial empire, nor should they neglect so favourable an opportunity of still further increasing that loyal portion of the population, who had at all times so nobly come forward to devote their lives and fortunes to support the honour of the British Crown, and to maintain the supremacy of the mother country. The Government had started a serious objection to Canadian emigration, and he wished to state that objection fairly to the House, in order that it might decide whether or not it was applicable to the present case. It had been stated by the Government that emigrants who were sent out to Canada were accustomed to go over in large numbers to the United States, where they generally found a better market for their labour, and this objection would doubtless apply to emigrants collected from various parts of the country, who had no peculiar local ties to bind them to any particular

district; but it should be remembered that those Highlanders would go out in large bodies from particular districts of the country, that they would carry with them all their local ties and affections, that they would be accompanied by their wives and children, their fathers and mothers; in short, by all those ties of relationship and of clanship, which were known to be so peculiarly binding amongst Highlanders; and he would appeal to any one who was in the least acquainted with the character of that people, whether under these circumstances they would be likely to wander off to the United States, or whether, on the contrary, they would not be prepared to make any sacrifices, in order to be allowed to settle together with those who accompanied them from their native country in those locations which might be appointed by the Government, provided only they could obtain the means of existing. He felt persuaded that any one acquainted with the character of the people would support him in this assertion. He must remind the House that these people had peculiar claims upon their consideration. He must remind them, that in spite of all their misery and all their distress, they had heard of no outrages, they had heard of no violence, they had heard of no Chartism in that country; all that they had heard of was patient endurance, of the worst, the most intolerable of evils to which humanity could be subject; this they had heard of, and this conduct, he maintained, entitled those people to the favourable consideration of the House; but, could he doubt that they would obtain a favourable consideration of their case, could he believe that the people of England, who a few years ago so nobly and so generously sanctioned a vote of 20,000,000*l.* of the public money for the purpose of bettering the condition of the negroes in the West Indies—not their physical condition, he admitted, he should rather say their social position—could he believe that the Government which only last year obtained a vote for 60,000*l.*, for the purpose of endeavouring to civilize the inhabitants of the interior of Africa (as he thought a very hopeless undertaking indeed, and, in his opinion, evincing a mistaken philanthropy, a useless, unnecessary, and foolish extravagance on the part of the present Government) could he believe, he repeated, that the people of England, or the Government, would now turn with cold indifference from the sufferings of their own fellow-coun-

trymen, sufferings far more intolerable, misery far greater, than any that ever was endured by the negroes in the West Indies? Anything so monstrous he could not believe possible. All he asked was for a committee. He wished to prove all that he had stated—he wished to prove (not to the Government, for they know it, but to the people of England), that a portion of their fellow-countrymen had been reduced by the legislation of that House (however necessary, however advantageous, that legislation might have proved to the rest of the community)—that they had been reduced by it to a greater state of misery and degradation than those who had not witnessed it could form the least conception of; and, having proved this, he would then leave it to the wisdom of Parliament to devise such means as might be considered just and proper, in order to remove this stain from the character of the legislation of the country, and, at the same time, to give that protection, and that assistance, and he would add, to do that justice, which the people had a right to expect, and look for, from a paternal Government. The hon. Gentleman then moved, “That a select committee be appointed to inquire into the condition of the population of the islands and highlands of Scotland, with a view to afford the people relief by means of emigration.”

Lord *Teignmouth* seconded the motion, and thought that the present was a case where a deviation might be made from the course which the present financial state of the country might seem to require. The effect of the proposed measure would be to benefit both the landowners and the poorer classes, for it would render the land more valuable, better the condition of the remaining inhabitants, and add to the wealth of the country. Canada, too, was a more suitable location for these poor people than for the handloom weavers, who were not physically qualified to contend with the climate and the soil. The Highlanders were also better adapted for emigration than the Irish, being more sober and industrious, and they would form a population calculated to prove a strong defence for the frontier in case of necessity.

Lord *J. Russell*: I should be very sorry to have it supposed that in not making any objection to the appointment of this committee, I was implying assent to the statements and arguments of the hon.

Member. I am quite ready to admit the great extent of the distress which prevailed some time in the districts alluded to, and I think the House may well give its assent to a committee to inquire into these statements. But I wish to say at once, that my opinion, according to the view I took last year of this subject, is, that the reasons stated by the hon. Member do not make out a special case for the grant of a large sum of money for the purpose of sending out those people as emigrants to Canada; nor do I think, that the hon. Gentleman will be able to make out his case, that their destitution is to be entirely attributed to the reduction of the duties on barilla, since I believe there have been some new inventions, such as a mode of making soda, which have tended to the destruction of the kelp manufacture. But, even if he could, I should doubt whether, in every case where duties have been changed by Act of Parliament, that Parliament be bound to provide for all those parties whose livelihood may be affected by changes in modes of industry, or to take care of all those whom the landlords declare to be a burden upon their lands. I should be sorry to admit that, and I think if any lesson is to be derived from the document of the hon. Member on this head, it is, that we ought to avoid all artificial protection. But supposing all those questions answered in the affirmative, another question then suggests itself, whether the Highlanders alone are to benefit by such a grant; and whether, if we grant 120,000*l.* for their relief, we should not have other claimants equally distressed, and whose distress has been produced by the depression of peculiar species of industry, making the same request, and on precisely the same grounds; and I doubt much whether the statement of the hon. Member, that these Highlanders were more especially fitted to promote the civilization of Canada would be altogether a satisfactory and sufficient reason for denying them a relief which we had already granted to the Highlanders. With respect to this country, then, there are strong reasons for pausing in this case, but with respect to Canada itself, there are abundant reasons also. Emigration to Canada, considering it as I do a national object, should be so conducted, in concert with measures to be taken in Canada, that the emigrants on arriving there should at once find the means of support and liveli-

hood. Now, with respect to many of these persons who are old and infirm, and unable to exert themselves, they would not, on arriving in the Canadas, find themselves in such a condition, and would, therefore, become a burden to the revenues of that colony. There may be emigration so conducted as to avoid this; not the emigration proposed by the hon. Member, but an emigration in concert with the officers of the Crown in Canada, and also in concert with the authority of that Assembly which we are just calling into existence, and whose opinion on matters so deeply concerning them and their finances, ought to be looked at with great respect and consideration by the Government of this country. I wish, without going further into the discussion, to state, that, whilst assenting to the hon. Gentleman's motion, there are many reasons for differing from the conclusions to which he has come, although I would not take the harsh step of objecting to a committee of inquiry.

Sir *R. H. Inglis* said, as the present motion was for a committee to inquire into a certain matter, he would not then enter upon the question involved in it, nor would he have stood up at all were it not for something which had fallen from the hon. Gentleman who had introduced the motion relative to the Niger expedition. He would only beg the House not to be led away by the hon. Gentleman's statements on that subject.

Mr. *Warburton* expressed his regret that the noble Lord had consented to a Committee, as in the first place it was calculated to excite false hopes; and in the next place, if there were to be an inquiry, it would be better conducted by a commission upon the spot.

Sir *R. Peel* felt, on the whole, considerable satisfaction at the noble Lord having acquiesced in the motion. Considering the sufferings which had been so ably described by the hon. Gentleman, than whom no person more fit could be selected to represent them, considering the extent of the misery, and the amount of the suffering which had been endured with such exemplary patience and submission, he thought it would be a harsh proceeding to refuse the committee. He did not anticipate the results which the hon. Member for Bridport predicted, nor was he apprehensive that inquiry would render the refusal of the grant more difficult. On the contrary, he thought it would have the effect of

convincing the parties that emigration on an extensive scale could not be accomplished, and would open their eyes to the real amount of relief which they could possibly receive. Take, for instance, the case of the handloom weavers. He looked to the condition of these poor people with exactly the same feelings with which he viewed the position of the distressed Highlanders, both being impoverished by similar means, for new discoveries and applications of machinery were to the one what the reduction of the duties had been to the other. The first impression of the handloom weavers was this. "Here in England the market is overstocked, and there is an extensive want of employment, whilst we have large and distant colonies which are in equal want of labour, and it will not be just of the Government if it do not take advantage of these circumstances, and expend large sums in enabling us to emigrate." When these people, however, were reasoned with—when they were shown the improvidence and cruelty of sending persons who knew nothing of agriculture out to distant provinces, where the means of subsistence could only be procured from the land, they viewed the matter in another light, and were more ready to acquiesce in the views of the committee than before the inquiry had been made. It might be possible that these people could be sent out for 3*l.* per head, but if it were shown to the emigrant that the moment he was set on shore he would find himself in a strange land, with no means of providing for his subsistence, beset with wants and difficulties, and in a climate which, during the winter season at least, would be found exceedingly severe—if they could prove to him that the mere transport would be no advantage—if they could prove to him that the competition he must meet with would be such as, if advanced in life, he could not hope to contend against successfully—if they could show him this, they would be much more likely to bring conviction home to his mind of the sufferings which he must expect than would be practicable by any other course. He was very much of opinion that emigration, to be useful to the objects of it, ought to be carried on with very great care. If the state were to vote a sum of money for this purpose, he very much feared that the state would be inflicting a great injury on individuals. He was, therefore, not at all sure that there was much advantage in

indiscriminate emigration; but he was an advocate for an inquiry, as being more likely to give satisfaction to these poor people than if the House said that which might raise hopes of pecuniary assistance. At any rate, if the state did interfere, they must require the raising of some local subscriptions, in addition to whatever might be publicly voted. With respect to the mode of the inquiry, he thought that the tribunal of a committee of the House of Commons was preferable to a commission; they would be much better able, sitting in London, to ascertain the actual state of emigrants now in Canada than any commissioners in the highlands. But, whatever might be the result of the appointment of this committee, it was impossible for him to sit down without expressing what he felt respecting the unfortunate circumstances of these poor people. He had had some experience of their sufferings and patience, and he must say, he was filled with the highest admiration of the virtues their conduct exhibited.

Mr. *Hume* said, that however both sides of the House concurred on many occasions in acknowledging and regretting the distress of particular classes, the House had never thought fit to take the steps that were now required of them. It appeared to him that the report of the commissioners in Upper Canada afforded much better information regarding the state of the few emigrants who remained there, than any that could be obtained by a Committee. If an inquiry were to take place at all, he thought a commission on the spot would be the only means of obtaining a fair and correct statement of the condition of the sufferers. But the hon. Gentleman need not have gone so far to look for distress. At Bolton, during the late distress, it was stated that 7,000 persons were obliged to leave their homes, and 1,480 houses were deserted. These poor people were now wandering and scattered abroad. At Nottingham, and at Birmingham also, there was great distress, but in none of these cases was the House called upon to interfere in the manner now required. He objected to an inquiry in this particular instance, in preference to others, for this reason, two years ago this distress existed, and an officer was sent down from Deptford Dockyard with bread, beef, and other public stores to distribute. A large subscription was also raised, amounting to 70,000*l.* and when the Chancellor of the

Exchequer was questioned respecting the grant of the public stores, he said it had been done to relieve the urgent distress which prevailed, and to give time to the landlords to assist the indigent peasantry to emigrate. Since then a statement had been made, and never contradicted, that almost the whole of the money which did not go for provisions, was paid to the landlords in the shape of rent. Now, if that was the case, why had those landlords not done anything since, to enable the population to emigrate. It appeared to him that the wording of the resolution pledged the House to give the public money for emigration, and he should take the sense of the House against any such pledge, because such a grant would be in opposition to all the principles upon which they had acted since Sir William Horton's emigration scheme. It was said that Canada was a fit place to receive emigrants; why, gentlemen would find, from the accounts, that five out of every seven who went there were unable to get employment, and were obliged to cross the border. He saw no reason why the House should pledge itself to give money in this case, as it had refused any grant in the case of the hand-loom weavers, and other distressed bodies.

The *Chancellor of the Exchequer* objected, above all, to raising expectations which it would be impossible to realise, and as the wording of the motion might lead to misconstruction, he advised that "with a view to afford relief," should be erased, and "on the practicability of affording relief," be substituted. The interference of Government in cases of the kind was in general much to be deprecated, but, when it could not be avoided, instead of voting a sum of money, it had been found that the most expedient course was to send down an officer, in whom full confidence could be reposed, and to enable him at his discretion to administer relief. It was true, that frauds by misrepresentation had sometimes been committed, but they were not frequent, and the course to which he had referred had appeared to be the best practical mode of meeting the evil. It was his firm opinion that by far the wisest and safest course was to interfere as little as possible with the exercise of private benevolence. He admitted this was not a mere temporary distress, but had long continued in consequence of an over large population pressing against the

means of subsistence. He abandoned none of the opinions which he entertained on the subject of emigration at the expense of the State in assenting to the motion for the committee, and he begged to be understood that in doing so, he did not give any pledge on the part of the Government that they would give assistance in the shape of funds, although such might be the recommendation of the committee.

Mr. *W. S. O'Brien* altogether denied and repudiated the statements respecting the removal of Canadian emigrants to the United States. Of 25,000 who emigrated last year, if a few went over at least an equal number returned to Canada. Should a committee be granted, and that committee recommend to Parliament a grant of public money for this purpose, he should cheerfully contribute his vote in support of that proposition. All he regretted was that the principle was not carried farther. It was his intention to bring forward a motion every Session for the promotion of emigration, not to one colony, or from one district alone, but to all our colonies, and from the United Kingdom in general.

Mr. *Mark Phillips* cordially agreed in this motion, provided the judicious alteration in the wording proposed by the Chancellor of the Exchequer were made. The result of the investigation would be looked to with great interest by another class, to whom, feeling allusion had been made by the right hon. Member for Tamworth—he meant the handloom weavers. He had been frequently solicited by the handloom weavers, to bring forward some motion of this sort in their behalf, and in answer to such solicitation, he desired them to wait until the Report of the Commissioners of Inquiry should be published, to see if they would not recommend some such plan of relief. With regard to the expense, he trusted that the House would never let a matter of pounds, shillings and pence stand between them and an attempt to procure some alleviation of such extensive distress. He agreed with the hon. Member for Bridport in thinking that a committee was not the best mode of investigating the subject. But if the committee should find any difficulty on account of the number of the witnesses, or the distance at which they resided, in properly investigating the subject, then he hoped the Government would issue a commission of inquiry. The committee on the subject of the handloom weavers

had experienced that difficulty, and the Government had very properly issued a commission. He cordially supported the motion.

Motion, as amended by the suggestion of the Chancellor of the Exchequer, agreed to.

ELECTION PETITIONS.] Sir *G. Clerk* said, that the object of the resolution which he intended to propose was, to obviate a technical objection as to the services of notices in cases of election petitions. Considerable inconvenience was occasioned last year, in consequence of some informality in the service of the notices on the agent in the Ludlow election case. He had consulted the officers of the House on the subject, and they informed him, that the adoption of his resolution would prevent the recurrence of the inconvenience he had alluded to:—“That, on or within ten days after the day on which any election petition, or any petition praying that the petitioner may be admitted as a party to defend any return, or to oppose the prayer of any election petition, shall be presented to the House, the petitioner do lodge in the office for election petitions, the name of the agent or other person upon whom, and the place where, may be served the notices required to be served on the petitioner by the general committee of elections, pursuant to the act passed in the third year of the reign of her present Majesty, intituled, ‘An Act to amend the Jurisdiction for the Trial of Election Petitions.’”

Mr. *Hume* thought that it would be better to refer the subject to the standing order committee.

Mr. *Greene* did not think, that the matter came within the scope of that committee; if it was thought necessary to refer the resolution at all, it should be laid before the general election committee.

Sir *G. Clerk* observed, that it was of importance that the House should agree to the resolution without delay, to prevent their falling into the same situation in which they were placed last year in the case of the Ludlow petition. If they postponed the matter for even a few days, inconvenience might arise, as there was little doubt but that some election petitions would be presented.

Resolution agreed to.

ORDNANCE SURVEY OF ENGLAND AND SCOTLAND.] Sir *Hussey Vivian* rose to ask for leave to bring in a bill to enable the Board of Ordnance to complete the remaining portion of the ordnance survey of England and Scotland, on a similar scale to that in which the survey of Ireland was being executed. So long ago as the year 1791 the Board of Ordnance commenced the survey of this country, and the maps which had hitherto been prepared, engraved on a scale of one inch to the mile, and maps of all the counties of England, had been prepared, with the exception of the six northern counties. The Ordnance survey of Ireland was undertaken in 1825, in order to enable the Tithe Act, and the Grand Jury Cess Acts to be carried into effect, and the maps were directed to be prepared on a scale of six inches to the mile. The greatest advantage had resulted from laying down the maps on this extended scale, and it had long been a matter of regret that the maps of England had not been prepared on a similar scale. Indeed, the greatest inconvenience had been experienced in carrying some of the recent acts of the Legislature into effect, in consequence of this not having been done, and he might mention amongst others the Tithe Commutation Act and the Poor-law Amendment Act. Repeated representations had been made on the subject by several of the public departments, and they had called upon the Board of Ordnance to increase the remaining portion of the survey of England to the same scale as that of the Irish survey. He had been particularly pressed on the subject lately, and assured that by doing so a considerable expenditure would be saved. Not that such a survey could supply the place of those minute valuations of property which were necessary to carry some acts, such as the Tithe Commutation Act into effect, but it would facilitate even those surveys. He would not fatigue the House by referring to the various communications which had been read to the Ordnance department on this subject, but would merely read two letters which had been received. The first was from Mr. Dawson, of the Royal Engineers, who was engaged by the tithe commissioners in making surveys; and the other was from Mr. Chadwick, the secretary of the poor-law commission. The right hon. and gallant officer read the following communications:

Extract of Report from Lieutenant Dawson,
Royal Engineers, to the Tithe Commis-
sioners, dated September 8, 1836.

“ In the establishment and improvement of great lines of communication through the country, such a survey is essentially requisite. It affords data for determining the best lines for roads, railroads, and canals, and enables the Legislature to judge of the merits of rival projects.

"Acts of Parliament for railroads have, in many cases, been sought (often fruitlessly) at an almost ruinous expense, where, from the want of an independent survey, the Legislature had little means of judging of their merits, except by the opposing representations of interested parties; a mode which renders the excessive waste of time and money inevitable."

“ Dear Sir, February 11, 1841.

“ It may be stated, that the surveys taken for the tithe commission have only regarded the titheable property ; that the surveys taken for the poor rates have only noticed rateable property, or rateable objects, leaving generally unnoticed and undescribed, all the permanent objects of a national character, and boundaries that should be included in a general survey ; that for these particular objects, of which I can speak more particularly as to the surveys for the poor rates, the surveys made have been generally very defective in point of skill, and obtained at a disproportionate expense.

"It is scarcely to be doubted that the machinery of a general survey may be made the means of obtaining the particular objects much better, at no greater, and perhaps at a reduced expense to the parties. The defects of the surveys already obtained, and the undue charges made for them, have been a great source of trouble in this office.

"Having had some occasion to examine the subject of the public information in respect to the size of parishes, I directed a comparison to be made of the statements of the acreage, as given in the census, with the results of the measurements made under the tithe surveys. The enclosed will afford fair specimens of the ordinary results shewing the only information as yet possessed to be valueless, where accuracy is required. I should observe, that the acreage, as given under the tithe survey, does not invariably include the whole of the acreage of the parish.

"From the frequency of applications to see the surveys made for rating, in order that they might be used for other general purposes, I should judge that the want of some settled plan of survey to answer for all public purposes is increasing.

"Yours, &c.

“(Signed) E. CHADWICK.”

He had received another very urgent request from the Literary and Philosophical Society of Manchester that the survey of Lancashire might be made on the same

scale as that of Ireland. Similar communications had also been made to the Board of Ordnance from other philosophical societies. The matter had been maturely considered by the Board of Ordnance, and it had arrived at the conclusion, that it was desirable the counties of England hereafter to be surveyed, as well as the survey of the whole of Scotland, should be made on the extended scale. On this subject he might refer to the opinion of a most distinguished person, who for a considerable time held the office of master-general of the Ordnance, and whose opinion upon that as well as upon all other subjects was entitled to the utmost attention—he meant the Duke of Wellington, who had stated to him, that he thought that the remaining portion of the survey should be made on the enlarged scale. He would beg leave also to quote the substance of the opinion of Colonel Colby, which was to this effect,—

“ Although it cannot be expected that any national survey should entirely supersede the necessity of all future local surveys, yet it ought to be sufficient for preliminary proceedings in the case of public works, such as railroads, canals, &c., and to enable the Government and the Legislature to form an opinion of them. The inadequacy of the present maps for these and other purposes of public improvement, is shewn by the numerous applications to this department from engineers and others engaged in such undertakings for copies of the original drawings of the Ordnance survey, and by the costly parochial surveys, which have recently been made for the settlement of tithes.”

For his own part, he was convinced, that hundreds of thousands of pounds would have been saved, had the Ordnance survey originally been made on the scale of six inches to the mile. He said this with confidence when he saw the necessity there was or having an extended survey for railroads, canals, and for the carrying out the tithe composition. The matter ought not to be regarded in a military point of view, but was of the greatest practical utility in a commercial as well as in other points of view. It must be obvious, in a small survey of an inch to a mile, a number of objects could not be laid down or described, which it was of considerable consequence to have accurately laid down; but in a scale of six inches this could be done, and additions might easily be made to the map itself as occasion required. He feared that the chief objection against

his proposition would be on the ground of the expenditure which it would occasion; he felt that it would lead to some expense, and he should be extremely loth to propose an increased expenditure for an object which he did not believe to be of great advantage. He hoped also, that hon. Gentlemen would recollect that this was not an expenditure for any warlike purpose, but was essentially peaceable in its nature, and would be not only beneficial to the present generation, but to future ages, and tend to promote the interests of merchants, manufacturers, and indeed of all classes of the community. He hoped, after this short explanation, there would be no objection to his motion; he should, therefore, propose that leave be given to bring in a bill for executing the Ordnance survey of England and Wales on a scale to be specified.

Mr. Warburton seconded the motion. He felt the greatest satisfaction at the proposition of his right hon. and gallant Friend, and he felt that any expenditure that would be incurred would amply repay itself in the advantages which would result from having the Ordnance maps on an enlarged scale. He did not believe, that any one in that House would object to the bill on the ground that the adoption of the plan would cost a little money. Another advantage might arise from having the maps engraved on an enlarged scale, in consequence of a discovery which had been made within the last twelvemonth—he alluded to the electrotype. Copies of the plates might be multiplied at any stage of the etching, by means of the electrotype. Thus, after the early outline had been made in the copper, copies might be taken, and these might afterwards be employed for a variety of purposes. For instance, some for railroads or canals, others for tithe commutation, &c., and thus a variety of maps might be obtained for different purposes, and this could not have been the case until the present year. With this scale of six inches to the mile, he felt assured that they might have a great variety of maps for the most useful purposes. He would suggest to his right hon. Friend the propriety of making provision, that when the survey of the north of England and Scotland was completed, they should go over the rest of England, and prepare maps on this enlarged scale.

Mr. Shaw felt convinced that the greatest benefit would result from having maps

of the survey of England prepared on the same scale as those of Ireland.

Mr. *Hume* thought that it was probable that the right hon. Gentleman alluded to him, when he stated that some Members might object to his proposition on the ground of the expense that it would lead to. If this was the case, the right hon. Gentleman was completely mistaken, for he cordially concurred in the motion, as he was satisfied that it was for a most useful object. He would take that opportunity of thanking the right hon. Gentleman for having adopted a suggestion which he had made, of reducing the price of the Ordnance maps. He felt, that when a survey was made at the public expense, that the public were entitled to the maps at the cheapest rate at which they could be prepared. When the electrotype came to be applied in the various ways suggested by his hon Friend, and the plates from which the maps were engraved were multiplied at various stages, he had no doubt but that the present price of the maps could be reduced to one-third of what they then were.

Mr. *Greene* wished to know when it was likely the survey of Lancashire would be completed.

Sir *Hussey Vivian* believed that the survey of all the northern counties would be completed within four years.

Mr. *Mark Philips* felt called upon to tender his thanks to the Master-General of the Ordnance for the attention which he had paid to the representations from Manchester, Liverpool, and other places on this subject. The adoption of this plan would be attended with the greatest benefit.—Leave given.

THE BANK COMMITTEE.] The *Chancellor of the Exchequer* moved the re-appointment of the following committee on banks of issue:—The Chancellor of the Exchequer, Sir Robert Peel, Mr. *Hume*, Mr. *Labouchere*, Mr. *Goulburn*, Mr. *Mark Philips*, Mr. *O'Connell*, Sir *James Graham*, Mr. *Clay*, Mr. *Gisborne*, Sir *John Rae Reid*, Mr. *Oswald*, Mr. *Charles Wood*, Mr. *Rickford*, Mr. *Warburton*, Mr. *Pattison*, Mr. *Herries*, Mr. *Ellice*, Mr. *Sergeant Jackson*, Mr. *Hector*, Mr. *Grote*, Sir *Thomas Fremantle*, Mr. *John Abel Smith*, Mr. *Strutt*, Mr. *Matthias Attwood*, and Mr. *Morrison*.

Mr. *Hume* regretted that his right hon. Friend had not stated, what was the ob-

ject of the committee, and what was the result that he wished to arrive at. He had attended every day that the committee met last year, and he could not tell what they intended to do. He understood the Chancellor of the Exchequer was not yet prepared to make a statement on the subject, but it was one with respect to which the greatest interest was felt out of doors. He hoped, that the first opportunity would be taken by his right hon. Friend, when the evidence had been extended so far, that he could see his way, of bringing the whole question before the House.

Committee re-appointed.

TITHE COMPOSITIONS (IRELAND).] On the motion of Mr. *Pigott*, that the Tithe Compositions (Ireland) Bill be read a second time,

Mr. *Shaw* said, that he would take that opportunity of shortly alluding to what was considered a ground of strong complaint on the part of the Irish clergy with respect to the tithe. The Irish clergy had been exposed to very unnecessary delay and loss, in consequence of the mode in which the Tithe Act had been carried into effect. When the bill passed in 1833, the clergy had one-fourth of their income taken from them. This he admitted was a question of amount; for he admitted that they gained an advantage in having the payment of tithes transferred from the tenant to the landlord; he, therefore, did not complain on this account. He had, however, all along contended that the 100,000*l.* which had been subtracted from the amount guaranteed by the Million Act, had been most unjustly abstracted—he would not say unlawfully, because it had been done by Act of Parliament. Under the Million Act of 1833, the Irish clergy had already received 640,000*l.*, when in 1836, 100,000*l.* of the balance was appropriated by Act of Parliament to the uses of the public works in Ireland. He admitted that the balance of 360,000*l.*, under the Million Act, was not at that time applicable to the payment of the clergy arrears, because that act had been so far carried out; but, in 1838, when the Rent Charge Act passed, the balance of the million was made applicable to that purpose. The amount then appropriated was, however, only 260,000*l.*, and the clergy consented, for the sake of peace, to accept it on the faith of a decla-

ration of Lord Melbourne's in the other House, to the effect that the amount which the clergy would altogether receive, under the Million Act, would be 70 per cent. upon their whole claims. They had, however, received only 6s. 10d. in the pound, or 33 per cent., out of 70 per cent., yet they were exposed to additional taxation, on account of the Poor-laws; and, also, to the enforcement of the Crown claims to quit rents, and the instalments due on glebes and glebe-houses, the Government alleging as a reason for enforcing these claims, that the question of tithes was settled. Under these circumstances, he put it to the Government whether they would not consider the case of the Irish clergy, and remember that the sum of 100,000*l.*, to which he had referred, had been appropriated to a temporary purpose only during the period when it was not applicable to the purpose for which it was originally voted by the Legislature. The original object of the Million Act had been resumed by the act of 1838, and he thought the Government should consider the claim of the clergy to have the sum of 100,000*l.* appropriated to the payment of their arrears.

Mr. *Pigott* reminded the right hon. Gentleman, that in the act of 1838 the sum of 240,000*l.* was specifically stated as the amount of balance to be applied to the payment of the arrears. The matter was considered as closed by that act. This was not the first time the right hon. Gentleman had mooted the question to the House, and he had been answered by the noble Lord the Secretary for Ireland. In the absence of that noble Lord, he must decline entering more into detail on the subject. With regard to what the right hon. Gentleman had said as to the proceedings of Government against those in arrear, he would inform the House that the Government had been reluctant to proceed until actually compelled, in order to avoid putting parties to useless expense, and that they had at first proceeded in the inferior courts, where a sum of 11,000*l.* had been recovered, which was about to be distributed. At the next sittings of the Court of Chancery in Ireland he was about to proceed against defaulters.

Mr. *Shaw* explained that he had never meant to put the claim of the Irish clergy to the 100,000*l.* as a matter of right, though he certainly thought that they

were equitably entitled to the full benefit of the Million Act.

Bill read a second time.

Adjourned.

HOUSE OF LORDS,

Friday, February 12, 1841.

MINUTES.] Petitions presented. By the Marquess of Salis-
bury, in favour of the Improvements in the Metropolis.

DRAINAGE OF TOWNS.] The Bishop of *London*, after presenting a petition from the mayor and burgesses of *Leeds* in favour of Drainage, said, the object of this petition was, in a great measure, answered by the leading provisions of the noble Marquess's (the Marquess of *Normanby's*) bill. This measure was a good beginning and it was most necessary to apply its provisions to the great towns throughout the country. It would make a great advance towards improving the moral condition of the people, and securing the appliances of religion. To give the working people habits of cleanliness, and to imbue them with a taste for ordinary domestic comfort, was an improvement which no provisions of this bill could effect, though it would go a greater length towards that desirable end than any efforts could do with which he was acquainted. He recollected that about two years ago, a number of benevolent individuals in *London* endeavoured by a private society to ensure cleanliness in the dwellings of the poor. But they found such difficulty in the opposition offered often by the owners of extensive sites, that they were obliged to abandon their undertaking and return the greater proportion of the subscription money. He hailed the bill of the noble Marquess as the first step towards the eradication of what, in its present state, must be a continual germ of social and moral disease.

Lord *Ellenborough* so entirely agreed with the most rev. Prelate, that he preferred saying the very few words which he intended to address to their Lordships at that time, rather than on the second reading of the noble Marquess's bill. He believed the moral and religious improvement of the poor to be totally inconsistent with their physical degradation. To build churches, to build school-houses, and to employ clergymen and schoolmasters, was in his opinion utterly idle, while the physical wants and destitution of the poor, con-

tinued as debasing as they now were. We began too far from the real source of the evil, unless we placed the poor man in such a position that he might have some self respect—that he might have something like a home. The object of their legislation should be—what perhaps this bill would do ultimately—to secure a home to the poor man, who was now driven (and he now spoke only of the manufacturer) from his wretched place of abode, and almost compelled to spend his evenings in the gin-shop; his wife followed his example. What should be done, if they wished to improve the general condition of this man, was to enable his wife to prepare for him a home where his children might welcome him on his return from the day's labour, and where he might hope for some degree of comfort, and enjoy some share of domestic happiness. Without this all attempts to improve the moral and religious condition of the poor were absurd. They must not shut their eyes to the fact that a great practical revolution had taken place in the state of society during the last half century. The proportion between the manufacturing and agricultural population had been altogether reversed, and with this change was altogether changed the structure of society. The landed proprietor was acquainted with the poor man who lived in his immediate neighbourhood; he visited his cottage, attended to his comforts, and took an interest in all his concerns. Farmers took an interest in the well-being of their labourers and servants, and the poor cottagers were full of kindly feelings towards those who were in a similar condition to themselves. There was one bond of connection between the agricultural population, which made them regard each other as members of one family. But it was otherwise in the manufacturing districts. There they saw beside great wealth the greatest possible misery, with no sort of connection between the classes so distinguished. Nothing was done, except in a few rare instances, by those who derived benefits from the exertions of the labouring manufacturer, for his moral improvement. This was a fearful state of society, and what they had to guard against was its continuance, and he was quite sure it behoved Parliament to employ every remedy in their power to improve the condition of that class of the community to which he had just referred.

He was sure it behoved Parliament to apply every remedy in its power. His objection to the bill was not to its prospective regulations, but that it had not a retrospective operation. The evil existed. There were localities containing vast numbers of people, where fever was domiciled, and where benevolent individuals could not enter without almost the certainty of contagion and death. The truth of this was established by the report which had been received on the subject. He doubted whether the several courts of commissioners under the existing law were constituted with sufficiently extensive powers, and he thought this bill should proceed in the first instance to remodel all their powers and means of proceeding, to a certain degree. It extended the existing powers as to cleansing, but it took no step for securing a more free ventilation; and he did think that the noble Marquess should have had the courage to endeavour to apply a remedy to what was an existing evil. It was by good fortune, and through the blessing of Providence, that we had hitherto avoided a pestilence and the plague. The noble Marquess might have been deterred in the framing of his measure by an apprehension of interfering with what were called vested rights. He (Lord Ellenborough) did not think that reason sufficient. No man should be at liberty so to abuse his property as to affect the health and endanger the lives of the community; and though he admitted, that avarice had its rights, humanity had its rights also, and those ought at least to be equally respected. He wished that there were more of wider scope and more stringent enactments. His only objection to it was, that it was too limited. They had of late increased in population and wealth, but these alone were not the most certain signs of national prosperity and strength. That which was more important was, that wealth should be so distributed as to elevate the moral condition of the people, and secure the union of all classes of the community. We might look with pride to the result of the last census—to the extension of our commerce, and the increase in imports and exports; but if we had a demoralised population, increasing every day, and increasing in wretchedness, there was a rottenness at the heart of the structure of society, which must soon extend to the constitution itself. The change effected in the structure of

society by the proportion between the manufacturing and agricultural population being reversed, was in itself a great revolution. In the course, he might say, of a few years, this greatest of innovations had been effected, and it practically changed the whole working of the constitution and government of this country. He called the serious attention of her Majesty's Government to this subject, for he was sure that some measure should be at once adopted to raise the physical condition and situation of the manufacturing poor. If that were not done, he agreed entirely with the right rev. Prelate, that, however excellent their laws, however virtuous their designs, however good their principles might be, they would never produce that moral and religious improvement in the character of the people which they desired.

Petition laid on the Table.

The *Marquess of Normanby*, in moving the Order of the Day for the second reading of Drainage of Towns' Bill, said, that though he was at all times unwilling to trespass on their Lordships' attention, the paramount importance of this bill induced him somewhat to depart from the rule; and the observations which had fallen from the right rev. Prelate and from the noble Baron opposite confirmed him in the opinion that he did not exaggerate the importance of this measure when he solicited for it their Lordships' careful consideration. It was stated by the noble Baron that this bill was of too limited a nature; but in the course of his observations he thought he should be able to satisfy the noble Baron that the course which he had selected was the most expedient, and likely to be the most successful. But his first business was to call the attention of the House and of the public to the existence of the evil; for he felt sure, that when he did so, the Legislature and the public would feel that their neglect had produced a state of things which at this moment affected not only the health and comfort, but, by violating in many places the decencies of life, brutalized the condition of a large portion of our industrious countrymen. If, thirty years ago, the bill which he was now moving had passed, many of the present evils would not only not have attained their present alarming state, but would never have existed at all. As to the bill which he was proposing to their Lordships,

he considered it but one step in the right direction. It proposed to deal with what was, after all, the source of the evil complained of by the noble Baron, and to apply a remedy to it with the least possible introduction of new machinery. He had chosen to place the proposed powers in the hands of a body already in existence, although its operation might not be in all respects perfect, for similar purposes, in preference to investing any new functionaries with such a responsibility. He was aware that in addressing their Lordships, if he touched in any respect on medical and physical topics, whatever strong grounds they might furnish for legislation, he could not, of course, be supposed to impress them on their Lordships' attention as the result of professional experience. At the same time there were a few general results to which he was sure he should be pardoned if he appealed in support of his measure. He believed it might be considered an established fact, that almost all diseases to which human nature was subject, where there was no predisposition existing in the constitution itself, arose from malaria, the consequence of the decomposition of animal and vegetable matter. It was ascertained that this was a subtle poison thus produced, which affected the vital energies as certainly, though not as speedily, as arsenic. An experiment had been tried, by which it was ascertained, that by condensing a certain quantity of air saturated with malaria, a fluid was produced so charged with animal or vegetable matter in a state of putrescence, that when the smallest particle was inserted in the vein of a dog, the animal instantly died. It must produce the same effect, though in a slower ratio, when respired by the lungs and admitted to the system. If he could once establish the extent and character of this poison, the next point was to direct their attention to the means by which the evil was to be removed. There was an instance in illustration of the facility with which the evil was abated when the cause was removed, given before the committee of the Commons last year, and no doubt familiar to their Lordships from the fact that it had been repeatedly given in the newspapers. There was a ditch near the terminus of the Birmingham Railway at Euston-square, into which a number of drains discharged themselves. The consequence was, typhus fever continually prevailed there. The simple remedy was applied of

covering in the ditch, and ever since the place had been quite free from such infectious diseases. Another instance he should cite was High-street, Aldgate. The butchers at one side of that street were induced with great difficulty, to open drains into a common sewer, and the immediate result was the total disappearance of fever at that side, while at the opposite side, where the inhabitants refused to take this precaution, fever still prevailed. There was one passage which he should cite from Dr. Lynch's evidence, which would save the House the necessity of listening to him further on this point. It was this:—

“On the south side of my immediate district there is one court, called Back Bear-alley, in which, within the last twelvemonths, I may say within the last six months upwards of forty cases of typhus fever have occurred; there are not more than nine houses in that court, two people cannot walk abreast in it; they have one common privy, and sometimes there are packed in one room six or seven of the poorest and most destitute of our fellow-creatures; this is under the surveillance of the inquest. The drainage was deficient in that Back Bear-alley; I directed the attention of the inquest to it, and they sent notice to the parties concerned, that they were coming: the consequence was, they had their houses put in order; they were washed and cleansed, and in some instances, where the fever cases had occurred, they took the precaution of whitewashing; six cases having occurred, some of which were sent to the fever Hospital, and others treated at home; notwithstanding these precautions, thirty-four cases afterwards occurred, and five or six deaths. Is that from want of cleansing and draining?—Those are co-operating causes. Is the drainage bad there?—The drainage was quite defective. I directed the attention of the authorities, and sent a report to the commissioners: Mr. Kelsey is the paid surveyor; I received this reply, in which they state that twenty-two miles of sewers had been explored and cleansed in the city of London, and the ventilation improved: then they go to state, that they will attend further to this, and they have since laid out in that place, I believe, 800*l.* or 900*l.*; and since they have laid out that money, I have not been called to a single case of typhus fever. You think that what they effected there has done good?—Certainly.”

He did not think that much local amelioration could be obtained without the assistance and control of a central board; but he thought also that any such board which should be established should be altogether distinct from the Poor-law commissioners. In support of this opinion he would refer their Lordships to the report of an inquest which appeared in that

day's paper, and which though he had no authentic information on the subject, he dared say was correctly reported. The noble Marquess quoted the following case—

LAMENTABLE DESTITUTION.—Yesterday afternoon (Thursday Feb. 11), an inquisition was taken before Mr. Baker and a respectable jury, at the Nelson's Arms, Nicholl's-row, Church-street, Bethnal-green, on view of the body of Sarah Bell, aged 50, who died in the kitchen of No. 20, Vincent-street, Bethnal-green, and whose death was brought on by want and destitution.

The jury viewed the remains and the late habitation of the deceased. The place exhibited a frightful picture of misery, it being described by the coroner and jury as being totally unfit for any human being to live in. Two old chairs without any backs formed the whole furniture. The walls were running down with moisture, and the body of the deceased, which was in a shell, was so extremely emaciated as to excite a very painful sensation among all present.

Charles Hawkins described the deceased to have been his partner for eighteen years, was supported into the room by Stokes, one of the relieving-officers of the parish of Bethnal-green, in which he resided. He was so weak as scarcely to be able to speak. Upon being sworn, he stated that he was by trade a shoemaker, and that he had lived about eleven months in the kitchen at No. 20 Vincent-street. The deceased had been paralytic for seven years, and latterly could do nothing for her living. She was a single woman. He himself had been ill for some time past, and was therefore, able to earn but little. He made pump-shoes, for which he was paid 8*d.* per pair, but latterly he had not made a pair a day. For the last ten months he had not eaten a morsel of meat, and they had lived chiefly upon potatoes and bread. Deceased was taken ill on Wednesday week. Witness sent for no medical advice, and gave no information to any one of her illness. From that day she got worse, and died on Tuesday.

By the Jury; I have had two children, but one died. A daughter lived with us, who is about fifteen years old. She had employment occasionally. I have not slept on a bed for a year, nor had the deceased. They all lay upon the floor during the night.

The Coroner asked the witness why he did not apply to the parish?—Witness. Because I dreaded going in, from what people said of the workhouses.

Coroner: And was the deceased of the same opinion?—Witness; She was, sir.

“John Royston, the workhouse undertaker, of Bethnal-green, stated, that when he removed the deceased, to put her in a shell, he found her head resting on a hat-box lid, which was on a Bible. He has seen many scenes of distress, but none to equal that where deceased lay.

"Elizabeth Assel, No. 19 Vincent-street, deposed, that on the evening of Wednesday week, she and deceased's landlord went to the deceased, and that the latter said, that he had got an order for her to be admitted into the workhouse. Deceased, in reply to this offer, at the same time holding up a sort of dagger, with which she used to poke what little fire she had, said, that the first man that came nigh her she would stick the — dagger in him. She was then on the floor, and had a sort of sacking over her. Her landlord found her dead on Tuesday night last.

The coroner remarked, that the case was one of the most dreadful he had ever seen. Verdict.—Natural death, brought on by privation, want, and destitution."

It was most unfortunate (continued the noble Marquess), that such prejudices against the relief provided in the workhouse existed in the minds of people in this poor woman's situation; but at the same time he thought that it was important, when attempting to act for the benefit of the poorer classes, to do so without offending their prejudices, and therefore he thought that any central board on the subject of drainage should be distinct from that of the Poor-law commissioners. He would also quote a passage from the able report of Dr. Southwood Smith:—

"From this table it appears, that the total number of persons in the metropolitan district who received parochial relief, including indoor and out-door relief, during the year ended the 25th March, 1838, was 77,186. Of this number, 13,972 were the subjects of fever. Of these there were, attacked with intermittent fever, 402; synochus, 7,017; typhus, 5,692; scarlatina, 861; total, 13,972. From the preceding table it also appears, that the prevalence of fever in the several districts bore still less relation to the number of paupers than the number of paupers to the general population. Thus in Bermondsey, the number of paupers being 3,000, the number of fever cases was 593; while in Bethnal-green, the number of paupers being 3,632, the number of fever cases was 1,209. In St. George in the East, the number of paupers being 6,869, nearly double that of Bethnal-green, the number of fever cases (627) scarcely exceeds one half. Greenwich, compared with Bethnal-green, afforded nearly double the number of paupers (6,607), but considerably less than one-half the fever cases (522). In Hackney and Holborn, the number of paupers being nearly the same, the number of fever cases in Holborn was nearly double. In Lambeth, the number of paupers are more than double those of Bethnal-green; but the fever cases in Lambeth exceed those in Bethnal-green only by 409. In St. Martin's-in-the-Fields, the number of paupers being only one-third less than

those of Bethnal-green, the fever cases are nearly one-eighth less. In Stepney, as compared with Bethnal-green, the pauper population is in the proportion of 9,596 to 3,632; while the fever cases are in the proportion of 1,348 to 1,209; showing that the comparative number of fever cases in Stepney is only one-half that of the neighbouring union of Bethnal-green. In Whitechapel, out of a pauper population of 5,856,2404 were the subjects of fever, nearly one-half; but in St. George-the-Martyr, the number of paupers being 1,467, the fever cases were 1,276; that is, the whole of the persons in this union who received parochial relief, with the exception of 191, were the subjects of fever. On the other hand, in Camberwell, the number of paupers being 1,158, only 309 less than those of St. George-the-Martyr, the fever cases were no more than 238; but in Wandsworth and Clapham, and in the Strand, while the number of paupers in both unions exceeded those of St. George-the-Martyr, the fever cases were in Wandsworth and Clapham 234, and in the Strand 231. These comparisons afford striking illustrations of the fact already established by the records of the Fever Hospital, that the main sources of fever in London are certain districts, of which the principal are, Whitechapel, Lambeth, St. George-the-Martyr, Bethnal-green, Holborn, and St. George-in-the-East. Out of the total number of fever cases in the metropolitan unions (13,972) these parishes alone afforded 9,228 cases."

Another important point in the consideration of this subject, was the bad construction of houses in which the poorer classes lived. Mr. Pennythorn, an eminent surveyor, stated in his evidence, not only that the Houses of this description were all generally themselves ill ventilated, but that they were too often built in narrow courts, the close and unwholesome atmosphere of which was still more deteriorated by being closely hemmed in on all sides by buildings of a similar class surrounding them. Dr. Southwood Smith stated that in a room, six feet by ten, and only five feet high, which he had seen, six people lived and slept. In another room, seven feet by six, there were four women and two men sleeping every night. And another instance which the doctor mentioned was that of a room not half the size of the committee-room in which he was giving his evidence, in which no less than fifteen persons dwelt. Now, he (the Marquess of Normanby) would ask, was this a state of things which ought to be permitted to exist in this metropolis, which was said to be the centre of civilisation. He mentioned some of these painful details because he really believed, that the mere knowledge of these facts by the commu-

nity at large would be sufficient to enlist their sympathy and ensure the adoption of some remedy for so grievous a state of things. He was the more confident in this expectation, because he believed, that at a very small cost something effectual might be done to stay the ravages of disease, and avert the most grievous terrors of poverty amongst a large portion of our suffering fellow-creatures. We might mention, as an illustration of the great necessity of dealing with the subject, that inquiries into it had lately been instituted in the city of Calcutta, and a Committee appointed on the subject, who, much to their credit, recommended that any sacrifices that were necessary should be made, to remedy the evils arising from want of drainage. In this Report mention was made of the efforts of this cause of the Marquess Wellesley, the greatest statesman India ever saw, who, as nothing was too great for his conception, so nothing seemed too small to escape his attention, and the Committee recommended carrying into effect his Lordship's propositions. This Committee expressed the greatest admiration at what was doing in England, even in the manufacturing towns. Great as this evil was in England, it did not appear to have produced any sensible effect upon the general returns of deaths through the whole empire. But in the manufacturing towns the case was very different, and the effects of disease very evident in the returns; and when it was considered that, as appeared from the statements before him, the relative proportions between the agricultural and manufacturing population of this country, as mentioned by the noble Baron, had exactly changed places in the course of the last fifty years, this fact became a very important one; for it appeared that whereas in the year 1790 the manufacturing population of the country was about one-half as numerous as the agricultural, at the present moment it was under the mark to state that the manufacturing population was double the agricultural. Now, upon the testimony of Sir Gilbert Blane, it appeared that the mortality of Manchester in 1757 was one in twenty-five; in 1770 it was one in twenty-eight; in 1790 it was one in fifty-eight; and in 1811 it was set down as one in seventy-four, though this almost appeared a less amount of mortality than it was possible to consider as the fact. But he begged their

Lordships to consider what was the mortality at the present moment? The new census was not yet ready, but some approximation to the facts which it would present might be obtained by calculation; and, supposing the population of Manchester to have increased in a similar proportion as heretofore upon the last census, it might be set down in round numbers as 280,000. Out of this population, the deaths during the last year were 9,276 in number, being an average of more than double what it was in 1811, or one in thirty-one. Now, turning to Glasgow, he would beg to read part of the evidence of Mr. Symons, who expresses himself thus:

"I have seen human degradation in some of its worst phases, both in England and abroad, but I can advisedly say, that I did not believe, until I visited the wynds of Glasgow, that so large an amount of filth, crime, misery, and disease, existed in one spot in any civilized country;" (and, again) "In the lower lodging-houses ten, twelve, and sometimes twenty persons of both sexes and all ages sleep promiscuously on the floor, in different degrees of nakedness. These places are generally, as regards dirt, damp, and decay, such as no person of common humanity to animals would stable his horse in."

Dr. Cowan, in his work on "*the Vital Statistics of Glasgow*," gave the following statement as to mortality in Glasgow:

"In 1821 it was one in thirty-nine; in 1831 it was one in thirty; in 1835 it was one in twenty-nine; in the last year it was one in twenty-five."

Of Liverpool, Dr. Duncan gave the following statements: he estimated the working population of Liverpool to amount to 170,000 or 175,000, of which 38,000 lived in cellars. Of these cellars there were in round numbers 8,000, and the average inhabitants in each something under five heads. The mortality amongst the inhabitants of these cellars was 35 per cent. greater than that in other parts of the town. Of the remaining number of the working population of Liverpool, 86,400 lived in close courts, having no underground drainage. The crowded and filthy condition of these courts was graphically described by Dr. Duncan, as well as the density of their population; he had seen, for instance, four families huddled together in one room ten feet square. Dr. Duncan spoke particularly of the dreadful stench which came from these miserable lodging-houses; which an Irishman, on arriving in Liverpool, with a sort of melancholy wit,

declared was "so dreadful as almost to force the roof off his head." Hull was a town, now, of rising importance; but, from the evidence of Mr. Wood, the new buildings in that place were liable to all the objections which had been stated to exist in London, Manchester, and other large towns—namely, want of ventilation and drainage, and building back to back. In Leeds it appeared that the greater portion of the working classes lived on the eastern side of the town, whilst the wealthy merchant and higher classes lived on the west side, and the contrast here was very remarkable; the mortality in the eastern district being one in twenty-four, whilst in the west it was one in thirty-six. Of the state of the dwellings and health of the poorer population of Dublin, Dr. Maunsell gave a painful description, and from which it appeared that an immense proportion of the cases of fever admitted into the fever hospitals, came from the dense, ill-built, ill-ventilated, and filthy courts and allies occupied by the poorer classes. Now, looking at the effect of this state of things upon the duration of life in these parts, he begged their Lordships' attention to the following remarkable facts:—Of deaths under three years of age there were in Manchester 428 in a thousand, in London 338, in the North and West Ridings of Yorkshire 282, and in the rural parts of Northumberland 253 in a thousand. On the other hand, of deaths over seventy years of age, there were in Manchester only fifty-three out of a thousand, in London ninety-nine, in the North and West Ridings of Yorkshire 202, and in Northumberland 210 out of a thousand; being a proportion of four to one in favour of the rural districts over the densely populated streets of Manchester. Having gone through these details of the case in a sanatory point of view, he was sure that he need say very little to their Lordships as to the demoralizing effects resulting from the miserable accommodation which these poor people enjoyed. When the fact was considered of large numbers of persons of both sexes sleeping promiscuously, and sometimes almost in a state of nudity, in the same small apartment, it was quite unnecessary for him to suggest to their Lordships what must be the inevitable consequences of such a state of things. As to the melancholy and degenerate condition of the great manufacturing towns, their Lordships could not have

stronger evidence than in that of Mr. Fletcher, from which he would beg to read a passage, descriptive of the appearance of Sunday in Manchester:—

"How do they employ the Sunday after-noon?—The whole Sunday is too frequently lost in either drinking or inactive idleness. It is a most painful thing at Manchester, with the full knowledge that there is a vast labouring population around you, to observe that the whole Sunday is passing away without seeing the great mass of the labouring classes, as you would see them here, with their wives and children walking out, and you wonder where they are; they are too numerous at home in their dirt."

Mr. Fletcher then went on to state that very little attention was paid to religion by these poor people, and that it was a remarkable contrast, after coming from a rural district, to see so few people in this large, densely populated town, going to church. He would not go the length of saying that upon people in a state of wretchedness and filth, such as that described by all the witnesses on this subject, education would be entirely thrown away, but undoubtedly the effect of it must be very much impaired, falling upon such a soil. Where so great an extent of physical discomfort existed, very little advantage could be expected to be derived from education, though he was not without some hope that before very long the state of things might be so far ameliorated as to render the exertions of the instructors of some utility. In bringing this subject before their Lordships, he was very anxious to avoid saying anything which might be calculated to give rise to any differences of opinion, and therefore, he would not go into the political inferences which might seem to be deducible from the facts which he had mentioned; but he felt bound, before he sat down, to make one observation in testimony and commendation of the patience and general good conduct with which the poorer classes of our manufacturing towns had borne the sufferings which they had had to endure. During the late rigorous weather these sufferings had been greatly aggravated, and the good conduct of the sufferers most exemplary. He would mention, as an instance, that at Manchester, on New Year's-day last, when the working people were invited by the Chartist leaders to assemble, in order to greet certain persons on their discharge from prison, only 1,000 or 1,200 assembled in obedience to that requisition. He would now beg to call

their Lordships' attention to one or two circumstances showing the importance of encouraging an improved style of building in the tenements occupied by the working classes. Upon this subject he would refer to the valuable evidence of Mr. Cubitt, and also to that of Mr. Ashworth, who, in the course of his examination before the committee, gave some very interesting and gratifying instances which had happened within his own knowledge. Mr. Ashworth said :—

“Many of the working people employed in factories and other workshops of our neighbourhood obtain good wages as a whole family, because frequently the various branches, both the boys and girls, are employed ; and it not unfrequently occurs, that a family may have forty or fifty shillings per week of income in one cottage ; the houses, built back to back, afford only one room to live in, and do the cooking, washing, and other necessary domestic operations of the house ; in such cases, when the head of the family and the boys come from work on Saturday evening, the necessary domestic occupations of washing or cooking being obliged to be carried on in the same room, renders it extremely uncomfortable, and consequently the father of the family is induced to go out for recreation and amusement to the public-house ; besides which, there is little room for filling such a cottage with furniture ; and I have remarked that families, with large incomes, have not unfrequently, in such cottages, a very small amount of furniture ; and I have further remarked, that in our own establishment, when a family has removed into a larger house, they have frequently occupied the spare rooms with a better class of furniture, which of itself induces them to better habits and a more respectable feeling in society.”

And again :—

“I have known a man and his family, with a good income, go from a good cottage to a bad one to save a shilling a-week ; but in our own case, for twenty years, we have continued to make every successive lot of cottages more expensive and more convenient ; and the most expensive cottages are the most sought after by our own people ; and thus a man, with a very moderate income, will desire to bespeak beforehand the first opportunity of getting into a better cottage ; and families who have obtained the privilege of a better cottage, when I have enquired subsequently into their previous condition, they have scarcely been able to account to me as to what has been the inducing cause to their improved condition : but, when questioned further, have acknowledged that the opportunity of putting better furniture into their houses has imperceptibly accumulated a large and valuable stock of furniture.”

With respect to the bill now before their Lordships, it was not his intention to extend the provisions of it to Scotland unless he could adapt them to the machinery at present in use in that country, but he did not see any reason why its operation should not be extended to Ireland. With respect to the machinery by which in the latter instance it should be carried into operation, whether a new machinery should be devised, or whether the present paving commissioners might be made available for the purpose, would be a question for after consideration. He would postpone also for the present the question, whether this matter should be put under the control of a central board or not. He would direct their Lordships' attention also, before he sat down, to the strong recommendations which had been made by many of the witnesses before the committee, in favour of establishing public walks for the recreation of the working classes in large towns. The state of burying grounds also was one amongst the various matters of detail which had occupied his (the Marquess of Normanby's) mind in reference to this important subject ; but, indeed, his object on the present occasion was scarcely more than to make some impression upon their Lordships' minds, and upon that of the public, as to the importance of this great subject, with a view of making a beginning in the work of amelioration. It might be said, perhaps, that in some of the remarks he had made upon the destitute condition of such large classes of their fellow-creatures, that he was placing in too strong a light the result of his observation. He could assure the House that this was not a case in which any good could arise from concealment. Those who were the sufferers were aware of the facts, and blindness to them on the part of their Lordships would avail nothing. He hoped, now that their attention had been called to this subject, if they could not effect thorough and immediate relief, their Lordships would at all events, by their kindness and sympathy, blunt, in some measure, the edge of misery, and remove the bitterness of feeling that at present existed. He implored them, by their own high character, by their kindness of feeling, by those virtues which they were so much in the habit of practising in their own immediate circles—the highest of which was charity—he would not say to pass this bill, for that he

was sure they would do, but to give their most serious attention to the remedying those evils which he had attempted to describe, and which, if not remedied, must, in time, produce a total disorganisation of the frame-work of society; and, as a first step in the right direction, and as an earnest of their future endeavours, he requested their Lordships to give the bill before the House a second reading.

The Marquess of *Salisbury* said, that if he had any objection to the present bill, it was that it did not go far enough. He need hardly say that he had no objection to the second reading of the bill, but he begged to remind the House that it would interfere with many existing rights. He would not, at that stage of the measure, trouble the House with any observations, but he would strongly recommend the noble Marquess to refer the bill to a committee up stairs, so that all its provisions might be carefully considered.

The Earl of *Wicklow* said, he conceived it almost impossible, that any individual could have read the report referred to by the noble Marquess, and refuse to give to the noble Marquess a most active co-operation in endeavouring to remedy the evils there described. After reading that report, what struck him most was, that the bill appeared too little. There were many evils left untouched by this bill, but he was glad to hear the noble Marquess state, it was his intention to introduce other measures similar to the bill before the House. There was one great evil which this bill did not touch, he meant the letting of lodging houses. It was a common thing at present for such houses to be let after the immediate death of the former tenant from fever, and as many as three, or even four families, had thus been successively carried off, owing to the neglect and cupidity of the proprietors of lodging houses. He thought a most beneficial amendment might be made in the bill by the introduction of a clause to compel landlords to clean and whitewash every house before letting it. Another omission caused him some surprise, namely, the omission of Scotland from the operation of this bill. If there was any portion of the empire that required a measure of this sort, it was Scotland, for he believed, that the condition of Glasgow and Edinburgh was worse than that of any towns of England. He wished to call the attention of the noble Marquess to the

28th clause of the bill, which contained a most stringent provision. That clause directed, that after a certain time cellars should not be occupied as dwelling places, unless furnished with areas of certain dimensions. Now, the great proportion of the cellars in existence would not be furnished with areas of the required dimensions. It appeared, that in Liverpool alone there were about 39,000 or 40,000 inhabitants of cellars. Now, unless these houses were rebuilt, it would be impossible for these persons to continue to occupy these cellars, and what, he would ask, must be the distress of that immense population under such circumstances? It would be impossible for them to provide new buildings within any reasonable time. The House must recollect, that this would occur in London, Manchester, and several other large towns, and if carried rapidly into effect, would produce great disorder. He thought, that the noble Marquess did not intend, and he was sure the House would not sanction, the carrying out of this provision. Another great evil would be the carrying all disputes with landlords into the courts of record in Westminster. He thought the local courts could settle these disputes with much greater facility. Again, no provision was made for the remuneration of the surveyors of sewers, the appointment of those persons being in the hands of the corporations in corporate towns, and in other places in the hands of the magistrates. The only remuneration that he could discover in the bill was a fee for the surveyor of new buildings. There was another provision of the bill which he thought unnecessary, namely, that no house should have beyond a certain number of rooms, unless those rooms were of certain dimensions. Now, he thought, that if they secured a sufficient sewerage and ventilation, it was unnecessary to go into such detail as this.

The Marquess of *Westminster* begged pardon for interrupting the noble Earl, but if they were to have a committee up stairs, he thought that the most proper place to discuss the details of the bill.

The Earl of *Wicklow* did not understand the noble Marquess to consent to refer the bill to a committee up stairs.

The Marquess of *Normanby* had no objection to refer the bill to a select committee, as their Lordships appeared to think that a more satisfactory course.

The Earl of Wicklow: In that case he would not trouble the House with any further observations.

The Marquess of Northampton begged to make one observation. The 22d clause of the bill enacted,

“That it should not be lawful to build any two opposite rows of houses in any town or village, which shall be separated from each other by a space not less than twenty-five feet wide where there is a carriage-way between such houses, or not less than twenty feet in the case of alleys and foot passages where there is no carriage-way.

He did not think the proposed width sufficient, but the observation he rose to make was, that no provision was made as to the height of the houses, so that it would still be in the power of landlords to defeat them by building houses disproportionately high.

The Marquess of Normanby begged, in answer to his noble Friend opposite (Earl of Wicklow), to state, that the provisions of the bill were to be extended to Ireland, although he did not know whether it might be found advisable to employ the same machinery in that country as in England. It was also his intention to have a similar bill introduced for Scotland, but he thought it would be better to leave the framing of it to some of the law officers of that country, as the bill might have particular interests to deal with. As to dwelling in cellars, it certainly was his intention, if possible, to cause a discontinuance of that practice, unless under the restrictions imposed by the bill.

Bill read a second time, and referred to a select committee.

Adjourned to Tuesday.

HOUSE OF COMMONS,

Friday, February 12, 1841.

[MINUTES.] Bills. Read a first time:—Punishment of Death; County Courts and Bankruptcy; Insolvency and Lunacy.

Petitions presented. By Mr. Wallace, from Dundonald, Saddy, and Kilmuir Wester, for the Abolition of Patronage in the Church of Scotland.—By Mr. H. Berkeley, from Bristol, against the Corn-laws.—By Mr. Brotherton, from Salford, for the release of Frost, Williams, and Jones.—By Mr. Godson, from Kidderminster, against the Kidderminster Court for the Recovery of Small Debts Bill.—By Sir W. Wynn, from Clergymen in the Deanery of St. Asaph's, for the Repeal of the Bill uniting the Deaneries of St. Asaph and Bangor.—By Mr. E. Tennent, and Mr. Lockhart, from Manchester, and Kilmarnock, in favour of the Copyright of Designs Bill.—By Mr. Colquhoun, from Stirling, against any further Grant to Maynooth College.—By Mr. H. Berkeley, and Sir A. Grant, from Merchants of Bristol, and others connected with

the Trade of the West Indies, against the Reduction of Duties on East India Rum.—By Mr. Hawes, from owners of Land in the East Indies, in favour of the Reduction of the Duties on East India Rum.

NEAPOLITAN DUTIES.—[LAW OF FACTOR.] Mr. Ewart inquired whether it was probable there would be any reduction of the duties on Neapolitan Olive Oil. Also, whether it was the intention of the Government to introduce a bill with respect to the transfer of goods by document between principal and factor.

Mr. Labouchere replied, that with regard to the first question it was impossible to make a precise statement on the subject at present. With respect to the second question it was the intention of his noble Friend (Lord Clarendon) to introduce a bill into the other House on the important subject referred to.

LORD KEANE.] Mr. Hume begged leave to call the attention of the right hon. Baronet, the President of the Board of Control, to an important subject, which he (Mr. Hume) thought they were at this particular period, before proceeding to take her Majesty's Message into consideration, bound to take into their most serious consideration. He held in his hand certain Indian newspapers, which contained the most grave and serious charges against Lord Keane, for conduct which if borne out by facts, and not satisfactorily explained to that House, must, of course, put an end to the question which the noble Lord the Secretary for the Colonies, had given notice of bringing forward this evening with reference to Lord Keane. Certain reports having been circulated for many months publicly in India, to the prejudice of Lord Keane, it might have been expected, that an enquiry would have been naturally instituted by the Government on the spot, for the purpose of ascertaining how such reports had originated, and whether well-founded or not; but no inquiry had taken place. The late disgraceful conduct of the 2nd Bengal cavalry in the face of the enemy, had revived those reports with increased bitterness, and their conduct had been attributed to the circumstance of Lord Keane having at the time the 2nd regiment of Bengal cavalry was under his command, ordered one of the troopers of that corps, who was innocent of any crime to be shot. The allegations contained in a letter which appeared in the *Agra Ukhabar* newspaper, which he held

in his hand was made by the writer of it, who signed himself "Injured Innocence." He would first read an extract from the *Bombay Times* of the 1st of January, 1841, which states—

"That the 2nd Bengal cavalry had been dismounted and disarmed, and were on their march to Bengal. Hitherto speculation and surmise had been at fault to account for the dastardly scene at Purwan Durrah. In default of this, violent and angry discussion has been stirred up afresh, in reference to the death (the murder it has been unhesitatingly called) of one of their troopers, in the Affghan campaign, with which the name of Lord Keane had all along in some shape been connected. It has been matter of astonishment to every one, that for the satisfaction of the army, and for the sake of the character of the late Commander-in-chief and his staff, no official investigation was ever entered into on the subject."

The writer of the letter in the *Agra Ukhbar* manifestly was a witness of much of what he describes, and the following quotation will enable English readers to understand the nature of the charge against Lord Keane, or as he then was, Sir John Keane, for having given orders to shoot a trooper near to his tent, who, it appeared, had died in consequence of the wound he had received from those who had acted in obedience to such orders from Sir John Keane. He (Mr. Hume) knew nothing of the transaction except from the public papers; but from them it appeared that so early as April and May last year, the charges were publicly made; and the extracts from the letter in the *Bombay Times* of the 1st of January, will explain to the House the nature and extent of the charge.

"The *Agra Ukhbar* has published a letter from an old correspondent which makes no mystery of the wretched affair of the trooper of the 2nd regiment of Bengal cavalry, who it is now unequivocally asserted was put to death by order of Lord Keane. The *Friend of India* speaks of it as a fact, perfectly well known? The *Calcutta Press* and *Bombay Courier* has stripped the lion's hide from off the conqueror of Afghanistan. But the *Agra Ukhbar* is rampant, he says, that with respect to the first cause, that the trooper was murdered, I have never seen it publicly contradicted, though I have heard it said, that a certificate was given, that he did not die of the wound. Why, I ask, was this certificate required? The letter proceeds, 'Although the victim to the angry passions of the Commander-in-chief, was not thirty yards from his tent, and he had every opportunity of ascertaining what the man was really about, he still insisted on securing him as a prisoner, he directed his being shot, and disgusting as it must be to the feelings of

every soldier, he found a ready sycophant to execute his instructions."

It is also stated, that the regiment to which this trooper had belonged, immediately demanded an inquiry into the cause of their comrade's death, but (as the letter went on to state) no enquiry took place, and no satisfaction was granted, the matter was hushed up. Circumstances had remained in that unsatisfactory state, and the regiment to which the deceased man had belonged, had continued in a state of discontent until the action at Purwan Durrah. Since then the regiment had been disarmed, and they were marching back to Bengal. It appeared that the charge which he had read, had been made against Sir J. Keane, not in one paper only, and on one occasion, but it had been made in various forms for many months in the public newspapers, in the presidencies of Bengal and Bombay. He now held some of these papers in his hand, from which he had taken the liberty of reading it. The letter was signed by a person styling himself "Injured Innocence," and it was understood that the name of the writer had also been given to the editor to admit of enquiry. The charge of murder against a man of Lord Keane's high standing and respectability—a man holding so important a position as the gallant officer had been called to fill, was a circumstance that demanded an explanation in this House, for it was impossible that a charge could be brought against any man that could so seriously affect, not only his honour, but also the honour and welfare of the British army. "The extraordinary misconduct of the 2nd Bengal cavalry regiment, has revived the charge of the murder of one of the troopers, and it has been a matter of astonishment to every person, that an investigation upon the subject had not taken place, as well for the satisfaction of the army, as for the honour of the Commander-in-chief." He (Mr. Hume) submitted to the House, that as a trooper of the 2nd regiment of the Bengal cavalry had been put to death as alleged there publicly by order of Lord Keane; and as the charge of murder had never been contradicted, or any explanation given, although it had been said, that a certificate had been given that the soldier did not die of the wounds which had been inflicted upon him, he (Mr. Hume) would ask, why was this certificate given, and why was not an enquiry instituted? The state of the law, indeed,

to render such a document useless ; as the law maintained that the intent to murder was as criminal as the actual commission of the murder itself. But there was one paragraph of the extract to which he wished to call particular attention, viz.—“That although the unfortunate victim was but thirty yards distant from the tent in which he (the commander) was at the time, he took no opportunity of ascertaining what the man was about, but, instead of so doing, he ordered the man to be shot, and he found a ready sycophant to execute his orders.” That was, continued the hon. Gentleman, the substance of the grave charge he made, on the authorities he had stated, and hoped that the Government would postpone this vote until the matter was inquired into, if the explanation which the right hon. Baronet should give was not satisfactory to the House.

Sir John Hobhouse expressed his surprise that his hon. Friend should have been influenced by the gross calumnies against Lord Keane, which had appeared in the Indian newspapers, calumnies which, gross and unfounded as they were, ought, however, to be contradicted. He was glad, that his hon. Friend had not waited for the vote which his noble Friend was about to propose, and that he had, as he thought there was something worthy for the consideration of that House in these rumours as to the conduct of Lord Keane, he had called for an explanation before that vote was proposed. He must, however, express the surprise he felt, that the hon. Gentleman, on the mere authority of newspapers, and such newspapers, too, as he was sorry to say circulated in India at this day, should have thought it possible that an English general officer could be guilty not only of murder, but of being an accomplice in murder, such as those papers had distinctly charged him with—namely, murder under the pretence of a discharge of duty. The hon. Gentleman had read extracts from certain newspapers, copies of which he (Sir J. C. Hobhouse) then held in his hands, and he was certainly surprised, that when the hon. Gentleman read those newspapers, he was not shocked at the terms in which the charge was made. Was this charge ever heard of before Lord Keane left India? There were Gentlemen present in that House connected with the East-India Company. He saw a director opposite (Mr. Hogg), and he would ask

him whether he had ever heard, or whether the court of directors had ever had the slightest cognizance of any such fact, or of any such charge having been made? When he saw the charge in the newspapers, he made it his business to inquire immediately whether there were the slightest ground for it. He sent to the East-India House, and the gentlemen there informed him they had heard of none. He next inquired in his own department, and found there was no account of any such occurrence. Then, of course, it became his duty, for he had no other application to make, to inquire of the parties concerned, of those who were in the campaign with Lord Keane, and he had also inquired of Lord Keane himself, for he felt that a charge of this sort was not to be passed lightly over, especially if it were to be brought before Parliament, in order to prevent an hon. Officer, who had served his country nearly half a century, receiving those honours that were about to be conferred upon him. He had felt it his duty, that neither the stories of an “Old Correspondent,” nor of “Injured Innocence,” should be allowed to take away the character of an old English general. The truth of the case was this: he would put the House in possession of the facts, and then leave it to judge whether there were any ground for the imputation. He was sorry to be obliged, in narrating these facts, to say that a portion of the Bengal cavalry that had advanced into Afghanistan, had not distinguished itself for bravery. Lord Keane was informed, at the capture of Ghusnee, that the second regiment of Bengal cavalry were marauding, and that they were about to commit depredations upon the standing crops of a village, the principal men of which came to Lord Keane himself in his tent, and, upon their knees, implored him to save that which was to be their food for the next half year. Lord Keane immediately sent for the Provost-marshal, and said, that he could not permit such disgrace to be brought on troops which had previously distinguished themselves in discipline and good conduct, and who were advancing into that country for the purpose of restoring the monarch whom the Governor-General of India had declared to be the legitimate sovereign. He therefore ordered the Provost-marshal to place a certain number of videttes around the fields of corn ; and to prevent any person from advancing into them to cut down the corn or to feed their horses, he ordered the vi-

dettes to fire at first over the heads of the marauders; but at any rate not to allow depredations to be committed. Lord Keane felt, that he could not allow the character of the British soldier to be compromised by such marauding. He gave his orders to a competent authority, the Provost-marshal, and he did not conceal from the House, that he believed Lord Keane gave those orders with a view to repel the marauders, and that he meant them to be obeyed. What occurred, he was sorry to say, was this, the 2nd regiment went out for the purpose of marauding at night, and some of the videttes fired—they fired upon those who had gone into the field to cut down the corn. It did so turn out, that although the infantry stationed to protect the property of the natives fired over the heads of the depredators, one of the troopers was wounded in the leg, and it was said he afterwards died. But he (Sir J. C. Hobhouse) would say, that if the man had been shot on the spot it would have been perfectly justifiable; and he would further say, that if every person (being cognizant of the orders of the Commander-in-chief) thus plundering the property of people no way concerned in the war, who had not arms in their hands—if every person who was guilty of such a trespass had been wounded or had suffered death, and if Lord Keane had been brought before that or any other tribunal in the world on the charge of shooting them, he would have been acquitted. Lord Keane was only doing an honourable but a painful duty when he did that, for which so much villanous abuse had been heaped upon him. Having now justified Lord Keane from that charge, he might be permitted to appeal to those gallant Officers who heard him, for the character of that noble Lord. It was quite superfluous for him to pronounce any eulogium upon the merits of the noble Lord, and they were more competent than he to pronounce an opinion upon such a subject; but he would take leave to tell the House this one fact, that during the whole advance, not only was there no man punished with death, but positively no corporal punishment of any kind was inflicted on one single soldier, either of the native troops or of the British regiments. There was not a single court-martial for the trial of any serious offence during the whole of that very important and arduous campaign. He trusted, that he had said enough to convince the House that the death of the sepoy was not owing

to the conduct of the noble Lord, or formed any ground for the House to refuse the vote which his noble Friend meant to ask. He was sorry to be obliged to detain the House, but he considered it necessary to go into some details, and the point to which he had now to advert gave him more pain than even the grossly calumnious charges made against the noble Lord. It was also of a more grave character—not as it affected Lord Keane, but those officers who had signed their names to the military commission. The House was aware, that in the course of the campaign a disaster had befallen our troops under the command of Major Clibborne, while endeavouring to relieve a fort. No imputation rested upon that gallant officer, for he was attacked by about seven or eight times his number, when he was obliged to retire. No imputation, whatever, he repeated, attached to the gallant officer in any way or shape, but our troops were so unused to any reverses that the Bombay government very properly ordered an immediate inquiry, in order to find out the cause of the disaster. Certain officers assembled; there was a major-general, a colonel, and two officers engaged in the inquiry. The House would be surprised—he had almost said shocked—to hear, that before the report of that inquiry could have been sent up to head quarters for confirmation or revision, the report itself appeared in a Bombay newspaper, just at the time the packet was about to sail; just at the time when such a report reaching home before the general commanding-in-chief had had an opportunity of seeing it, might operate injuriously to Lord Keane. And here he must take the liberty of saying, that that was one of the most extraordinary military reports he had ever seen. That the publication of that report must have emanated from some person concerned in the inquiry, there could be no doubt. There could be no mistake on that head; and whoever that person might be, as long as he had the honour to hold his present responsible situation, he should think it his duty, for the protection of the character of the noble and gallant Lord, and so he believed would the Court of Directors, to deal properly with those who had so grossly betrayed their confidential duty. It was not for him then to say anything more with respect to that report, and he begged pardon of the House for detaining them so long. He should not, however, have performed his duty, had he

not said so much in favour of the noble Lord, who, after nearly half a century of service, had been so cruelly maligned by a rascally paragraph in a newspaper. He trusted the House would do justice by agreeing to the motion.

Mr. *W. Williams* wished to know if the right hon. President of the Board of Control had received information whether or not Lord Keane or the Indian government had ordered any legal proceedings to be instituted against the authors of these libels?

Sir *John Hobhouse* said, he ought to have mentioned, that so shocked were the Bombay government by the appearance of the report of the military commission, that they had thought it their duty to censure the publication of it: and they had called upon the officers to explain how it had appeared. With respect to the Bengal cavalry, he had a report of certain proceedings that had taken place upon the conduct of that unhappy regiment, and it was to be disbanded.

Sir *R. Jenkins*, although he had not been personally called upon to answer the appeal made by the right hon. Baronet opposite, yet felt impelled to confirm most fully the statement that had been made by the right hon. Gentleman on both heads. He believed, that not one syllable of truth was contained in the charges against Lord Keane. He had heard that the sepoy trooper had been wounded under the circumstances detailed by the right hon. Gentleman. With respect to the affair of Major Clibborne, Lord Keane had nothing to do with that disaster, or with the circumstance that had led to it, inferiority of force.

Mr. *Hogg* had told the hon. Member for Kilkenny, who had asked the question of him on the night the noble Lord had given notice of the present motion, that no intelligence of the events alluded to had reached him. If the charges that had been brought against Lord Keane had any foundation in truth, would the House believe, that no complaint, no representation would have been made to the constituted authorities either in India or at home? It had been said, that the cavalry had made a remonstrance, but that statement was unfounded. Lord Keane had again and again issued orders — those orders had been disobeyed, and at last he had discharged that duty which, perhaps, it would have been better to have dis-

charged a little earlier. Of the whole marauding party only one had been wounded, and whether that individual had died from the effects of the wound or not, he was unable to state.

Mr. *Hume* explained, that it was not he who had introduced the mention of the military commission, it was the President of the Board of Control who had done so. He (Mr. Hume) did not, perhaps, differ much from the hon. Baronet in thinking that it was wrong to have published that report until it had been in the hands of the Bombay government. He thought it a most singular state of things if, in India, newspapers should be found hardy enough to put forward such serious charges like those against a distinguished officer upon an anonymous communication, and persist in repeating them for so many months, without any notice being taken by the Government of them. It was said, that the writer of the letter signed *Injured Innocence*, had given his name to the editor, and was thus to be found out and prosecuted if there was no foundation for the charge. If the death of the trooper was caused in the way stated by the right hon. Baronet, he (Mr. Hume) was not the man to complain; but the newspaper he had quoted said the contrary.

Sir *J. C. Hobhouse* said, the hon. Gentleman was mistaken. No names were given to the letters containing the villanous charges against Lord Keane; if there had, some opportunity for proof would have occurred. But the correspondents of the *Bombay Times* and the *Agra Ukhbar* were anonymous.

Mr. *O'Connell* said, there were the public tribunals to appeal to. There was the Board of Control; there was the India House. It really was too bad, that a gallant officer should be traduced in the way that Lord Keane had been maligned.

Viscount *Howick* thought, that the explanation of the right hon. Baronet was as satisfactory as possible, and, that the hon. Member for Kilkenny ought to admit, that it was so, even if it were for no other purpose than to allow the House to approach the discussion free from bias or difficulty.

Sir *Hussey Vivian* was enabled distinctly to state, that not only no such certificate as had been alluded to was granted, but Lord Keane was not aware, that any man had died until he saw the account in the *Agra Ukhbar*.

The Order of the Day for the consideration of the Queen's message was read, and the House resolved itself into a Committee.

Lord *John Russell* said, it was quite unnecessary for him to make any statement of the merits of Lord Keane, that subject having been brought before the House last year, on the consideration of the vote of thanks. His right hon. Friend, the President of the Board of Control, had, on that occasion, laid the whole conduct of the expedition fully before the House, and had enabled the House to judge of the gallantry and ability with which Lord Keane had discharged his most important duties. He could not possibly conceive the grounds upon which the hon. Member for Kilkenny meant to oppose the vote he was about to have the honour of submitting to the Committee. The proposal he was about to make was the same as that which was made in the case of Viscount Lake, in 1808, and the Committee would agree with him, that it was useless to confer the highest honours of the country upon individuals, unless at the same time adequate means were granted to support the dignity that was conferred. He repeated, he could not understand the ground of opposition, when he considered the eminent services which Lord Keane had rendered to this country in India. He would say, that the name of that distinguished individual stood as high, if not higher, than it had before the commencement of the present discussion. The noble Lord concluded by moving:—

“That the annual sum of 2,000*l.* net be granted to her Majesty out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, the said annuity to commence from the 8th day of February, 1841, and to be settled in the most beneficial manner upon Lieutenant General John Lord Keane, and the two next surviving heirs male of the body of the said John Lord Keane.”

Sir *R. Peel* said, he certainly should not wait to hear the objections that were about to be made by the Hon. Member for Kilkenny to the motion proposed by the noble Lord; for he was so satisfied of the justice and policy of the grant, that he could not believe, any objections that could be urged by the hon. Gentleman would have power to shake his opinion. He should avail himself of the opportunity of seconding the proposal, although the speech of the noble Secretary of State

did not require the assistance of a seconder. He was not awed by the menace of opposition; still less was he to be dissuaded from the course he was about to take, by the preliminary discussion on the merits of Lord Keane. He cared not whether Lord Keane prosecuted those newspapers or not; he should be sorry to impose upon that noble Lord the necessity of instituting prosecutions in India against the authors of the scandalous attacks that had been made upon his fair fame as a justification of his title to the honour that was to be conferred upon him. He had never before heard of a charge so preposterous, as to endeavour to make a noble and gallant officer who had ever been conspicuous for his bravery and his ability, responsible for the cowardice of those who had run from their duty. The man who signed “Injured Innocence,” ought perhaps more properly to have designated himself “Detected cowardice.” To run away was bad enough, but to make Lord Keane responsible for it, and to attempt to vindicate it, by ascribing it to a wound in the leg given to a man detected in an act of insubordination upwards of a year previous, only excited disgust. He would not disturb the unanimity which he hoped would be found to prevail upon this vote by any reference to political opinions. In military transactions all such opinions ought to be left entirely out of sight. However much politicians might differ as to the expediency or propriety of any particular military expedition, all that was required of the soldier was, that he should execute the instructions given to him. It was no part of the duty of a military commander to inquire whether the service in which he was employed was politically right or not. All that was demanded of him was implicit obedience. And when they came, in the House of Commons, to estimate the merits of military men, those merits must be considered abstractedly, and without reference to the policy which led to their development. Under no circumstances ought the differences of opinion which might be entertained as to the policy which dictated a military expedition, be allowed to operate to the disadvantage of the officers who were engaged in it. He might, perhaps, lament that the proposition now made by the noble Lord (Lord J. Russell) had not been submitted to the House at an earlier period. He thought the general rule should be, that the ho-

nours or distinctions conferred for military service should be followed, as soon as possible by the pecuniary reward. There might be good reasons for the delay in this instance; but he thought that the better rule was that which he had mentioned, and he trusted that the delay that had taken place in the case of Lord Keane, would not be followed as a precedent. Now, by what test was he to try the merits of Lord Keane, and to ascertain the amount of praise to which that noble Lord was justly entitled? If he tried him by the test of privation and suffering, he found the army under Lord Keane's command, and under Lord Keane's example, submitting with indomitable endurance to the greatest privations to which an army could be exposed, overcoming the most formidable difficulties, by strict obedience to command, and furnishing an example of discipline unknown in the world, except in the ranks of the British army—a discipline which, in his opinion, distinguished British troops even more gloriously than their exploits in the field. If he tried Lord Keane by the test of brilliant military achievement, he thought the capture of Ghuznee was as brilliant an affair as ever shed a lustre on the arms of Great Britain. If he tried him by the test of the general success of the expedition in which he was employed, he thought that that test was also decidedly in favour of Lord Keane and of the army which he commanded. If he found, then, that the general usage of Parliament had been, in cases where the necessity arose for it, to accompany honorary distinctions for great military services with such a pecuniary provision as should enable the distinguished soldier to support the honours conferred upon him by his Sovereign, he should be exceedingly sorry to make the first exception to the rule, in the case of exploits performed in India. That, in his opinion, was the last place to which the exception should be applied. In those distant regions, where the achievements of the army were carried on, not under the eye, as it were, of the Legislature, where their deeds were comparatively unobserved—where their exploits, unlike those which took place nearer home, failed to attain the degree of popularity which made them in the mouths of all as “familiar as household words”—it was important to let men employed in those distant regions, know that neither the Parliament nor the people were forgetful of their me-

rit, and were ready to bestow, for services performed in those remote quarters, the same reward that would certainly have been bestowed for similar services performed nearer home. Having said thus much upon the subject immediately before the House, he could not but take that opportunity of expressing his deep regret at the loss of the gallant officers who fell in the course of the campaign. It was impossible that Parliament could enter into any public recognition of their individual services, on account of the comparative inferiority of rank; but no man could read the accounts of their gallantry, of the sufferings they endured, and the valour they exhibited (when the exploits of the Indian army were spoken of, and the skill of its commander acknowledged), without remembering the gallant services of those of inferior rank, whose endurance upon the march and bravery in the field, had contributed so much towards the accomplishment of an achievement that must for ever hold a distinguished place in the annals of successful military enterprise. He took that opportunity of offering this slight tribute to their memory, and he begged to express his full concurrence in the resolution moved by the noble Lord.

Viscount *Howick* confessed, that he had seldom felt greater pain than in giving the vote that he felt himself bound to give upon the present occasion. He admired, in common with the House, the exploits of the Indian army under Lord Keane. He entirely disregarded, as he had already stated, all that had been stated at the beginning of the evening. He trusted, that that subject was for ever disposed of; and that whilst, on the one hand, it could not for a moment influence the mind of any reasonable man, and induce him to give a vote in opposition to the resolution now proposed; so, on the other hand, he trusted hon. Members would be careful not to allow their minds to receive from it what would not be an unnatural bias, and be induced to mark their indignation against a charge so utterly unsupported, and so improperly brought forward by the Indian newspapers, by agreeing to a vote which otherwise they might not deem called for by the circumstances of the case. There was, as he had said, an inducement to agree to the motion before the House from admiration for the exploits of the Indian army, and the conduct of Lord Keane; there was also a natural feeling of

reluctance to take upon one's self the invidious duty of disputing the propriety of conferring rewards for public service. On the one side were these feelings; but, on the other, he could not forget that in voting upon a proposition of this description, they were called upon not to be governed by any feelings of that nature, but by a pure consideration of the public interest, and by what that interest really required. He believed that in the greatest nations of ancient and modern times, before the periods of their decay, the wisest monarchs and rulers had ever shown a great parsimony in the distribution of rewards for public service. It was well known that that was the case with our own Elizabeth. It was well known that she was particularly sparing in the distribution of the rewards which she thought it necessary to give. It was equally well known that the consequence of that parsimony—of that sage reserve in using this means of exciting emulation and eagerness in the public service, was, that slight rewards coming from her carried with them more real distinction than much greater rewards conferred by other sovereigns. A knighthood, or even a simple expression of her approbation, was considered far more really honourable than the grant of a peerage from her weak and pedantic successor. It was a wise principle, with regard to the public service, to be very sparing in the distribution of great rewards—it was a wise principle that great rewards should only be given upon very great and high occasions. But at the same time, whilst this was the case, there was a natural tendency on the part of governments to fall into the opposite error. There was always a strong temptation to do that which was popular at the moment. To confer rewards was always a grateful and an acceptable duty, whilst to withhold them gave an appearance of niggardliness and absence of generosity. Hence it too frequently happened that governments were too apt to fall into the error of a prodigal distribution of rewards. And in discussing this topic, it ought not to be forgotten that every fresh error of this sort invariably afforded a ground and an argument for further errors of the same description. Every mistake that the legislature was guilty of in a too lavish distribution of rewards naturally and necessarily led to an increase in the demand. It was impossible to withhold from one distinguished individual similar rewards to those which had been conferred upon another for

services of the same nature; and thus we went on from time to time, step by step, and little by little, gradually raising and increasing the scale of rewards given for public service, until at length they came to constitute an enormous item in the public expenditure, and to take a conspicuous place amongst the burdens which pressed most heavily upon the nation at large. At the same time it must be remarked, that whilst this increase in the scale of rewards was going on, no corresponding increase was given to the incentive to the discharge of public duty. He thought that in the very case now under their consideration the House was falling into this error. Why was it that it was now deemed necessary to grant this great reward of a peerage, accompanied by a pension for three lives, to Lord Keane? Because the House of Commons had adopted with too great facility, or without due reserve, former propositions of this kind, and because the Government by a too lavish distribution of those rewards which cost the country nothing, which, more sparingly administered produced a great effect on men's minds, had rendered those rewards valueless in the estimation of those who would otherwise be ambitious of attaining them. Was it not remarkable, that at the end of twenty-six years peace, during which no great naval or military service had been performed, and in the process of which few additional claims to reward or distinction could have arisen beyond those which existed at the end of the war—was it not remarkable that, under such circumstances, we should find the number of those who were members of the great military Order of the Bath, as high as when the peace of Europe was restored? He believed, that if a wise policy had been pursued in this respect—if the distinction conferred by admission to the Order of the Bath had been husbanded, and reserved for cases only of distinguished service and merit, the Government would have had a cheap, and at the same time a satisfactory mode of rewarding such services as were now under the consideration of the House. Every consideration, therefore, induced him to believe, that it was a wise policy not to distribute these rewards with great profusion. If he came to apply that principle to the case which was now before the House, and were to examine into the nature and extent of the services performed by Lord Keane which they were called upon to reward, he was aware that he should find great difficulty in

explaining the considerations which operated in his own mind, and impelled him to take the course he was now pursuing. He thought, upon the whole, it would be better that he should not attempt to do so, because he felt, that it would be impossible to enter into that explanation without letting fall remarks or using words that might be construed possibly, though much against his intention, as evincing a disposition to disparage or diminish the value of the services of Lord Keane, and the brilliance of the exploits of the army that acted under his command. This was a question which, after all, must be left to the mind of every man; and, in his opinion, when he looked at the nature of the service on which Lord Keane was employed, and at the achievements he performed, he was bound, standing in that House, to declare that he did not think upon the whole that those services were of sufficient importance to justify the legislature in granting a pecuniary provision, not only to Lord Keane himself, but to his two immediate successors. He thought that the services performed by Lord Keane might very justly and very properly have been rewarded by the highest honours that could be conferred, without calling upon Parliament for a provision of the nature now proposed. He thought, also, that the case would have amply justified an appeal to the liberality of the House of Commons in favour of Lord Keane himself; but, for one, he had the greatest possible reluctance to granting these pensions, not only in possession to the person who performed the service, but in reversion to those who succeeded him. This he thought a very dangerous principle; and although in each particular case the burden, when compared with the revenue of this great country, appeared to be very trifling and insignificant, it must not be forgotten how great was the tendency of cases of this kind to accumulate and run up. A pension granted now might last for a long series of years. In the mean time, other demands of the same nature arose and were conceded, so that at length an accumulation was formed, that became a large and sensible burden upon the resources of the country. He could not but remember, that in the form of half-pay and pensions, and what was commonly called "dead weight," the burdens upon the finances of the country were now so great, as in many instances to have compelled Parliament to postpone grants for active service which he thought were very

urgently required. In fact, the weight of these demands had been in times past, and were still, very severely felt. The principle of the whole was the same; and in his opinion, it was the duty of the House to prevent any further accumulation of charges of this description. He was perfectly aware, when he urged this argument, that he was performing a highly invidious duty. It was a strong sense of the duty he owed to those who sent him there that compelled him to do so. He thought, that the Members of that House, in the discharge of the task for which they were responsible to their constituents, namely, in watching over the pecuniary interests of the country, were not at liberty to be guided by their own feelings of what it might be liberal and pleasing to do in behalf of a brave and gallant man. They were bound to apportion rewards for public service, not upon that principle, but upon the conviction of what they believed necessary, and no more than necessary, to stimulate and encourage merit in the public service in general. That was the only principle upon which, in his opinion, rewards of this kind ought to be given. He was well aware, that his objections were liable to this answer—that Lord Keane having been now made a Peer, it would be extremely unjust and cruel if the House were to refuse to him, and to his immediate successors, a pension corresponding to the rank he had attained. He was not prepared to deny the force of that argument. He confessed, that that was a consideration that had weighed with him, and had increased the difficulty that had attended his making up his mind to give the vote that he had determined to give upon the present occasion. It had, also, made him greatly wish, that in cases of this kind, when a pension was considered as a necessary accompaniment to a peerage, that the custom were different, and that instead of granting a peerage in the first place, and then coming to the House of Commons for a pension, the opposite course were observed, and the granting of the peerage made contingent upon the obtaining a pension. He thought, that that would be a far better, a far wiser, and a far more reasonable course of proceeding. He was, however, quite aware, that it had not been the practice—he was quite aware that a different rule had hitherto been acted upon. He did not complain, therefore, of what had been done in this case. But as the rule (an unwise one

in his opinion) had been acted upon, he was bound not to consider the hardship to the individual, but to consider whether, if the whole matter were now brought before the House for the first time—whether if the peerage had not been granted, he should be prepared, as a Member of the House, to approve of the grant of the pension and the peerage together. That was the opinion which substantially he felt himself called upon to give; because the Crown possessed an undoubted right to confer honours according to its own discretion, and the Ministers of the Crown were responsible for the advice which they gave to the Crown in the distribution of its marks of honour and distinction; but if it were the clear and undoubted right of the Crown to grant those honours, it was equally the clear and undoubted right of the House of Commons—nay, it was the incumbent duty of the House to exercise a very severe discretion in all matters relating to the increase of the burdens upon the finances of the kingdom. That being the case, although he feared that the honour conferred upon Lord Keane might be rather an incumbrance than a reward, and greatly as he should regret that circumstance, yet he was bound to keep his judgment unbiassed, and to give his vote upon those great considerations of public policy to which he had already adverted. He would not add any further remarks in support of the vote he intended to give, except once more to declare, that he gave it with unfeigned reluctance, and that it was not inconsistent with the declaration that he set a very high value on the services of Lord Keane, and of the army under his command; and that it proceeded solely from a conviction, that if grants of this nature were to pass by as matters of course—if no individual would take upon himself the odious and unpleasant duty of raising his voice against them, they would gradually increase and multiply, gradually become more and more common, until at length the amount of service to acquire them becoming less and less, the higher rewards for more distinguished services, would have to be screwed up and increased in order to retain their relative value. It was this strong conviction that imposed upon him the duty—a duty from which he could not shrink—of declaring his disapprobation of the vote now proposed.

Lord John Russell: Although I regret that my noble Friend thinks it necessary to oppose this vote, yet I am not sorry

that he has stated, with the ability which belongs to him, and with the temper and respect proper to be observed towards the individual who is the object of the vote, the general principles upon which he is disposed to proceed with respect to propositions of this nature; because, being of an entirely opposite opinion from that expressed by my noble Friend, his speech gives me at least an opportunity of stating the views which I entertain upon the subject, and of putting fairly to the House the issue upon which our adverse opinions are to be decided. My noble Friend speaks, in the first place, of the practice of ancient times. He tells us that the Romans observed great parsimony in the distribution of rewards for public service; and that Queen Elizabeth and some of the other great sovereigns of this country had observed a similar frugality. It is to be recollected, with respect to those periods, both of ancient and of modern history, to which my noble Friend has adverted, that there were then very different rewards to be attained. A Roman general returned from a successful campaign, laden with spoils, and retired with a private treasury filled with the produce of those spoils. This occurred at a time when they were often so ignorant of the value of what they had obtained, that one of the greatest of them, having acquired a great number of works of art of the highest order, and ranking highest in the estimation of those capable of appreciating them, made a contract with the ship-owner, by whom they were to be transferred to the conqueror's home, that if they should suffer shipwreck, or be injured upon the passage, he (the ship-owner) should be bound to supply other works of art of equal merit. Such was the spirit, and such the understanding, upon which a general of ancient times entered upon the service of his country. And in the days of Elizabeth, were there not great rewards of the same kind? Did not Sir Francis Drake bring home treasures of silver that would probably shock our eyes, if displayed as a part of the conquest of Lord Keane? What, indeed, should we say, if we saw waggon-loads of silver drawn through the streets to Lord Keane's house as the result of his campaign in Afghanistan? In the days of Elizabeth, public men, too, were rewarded by high privileges and great monopolies, which in our time would never for a moment be sub-

mitted to. Were not the Cecils rewarded? Was not Sir Walter Raleigh rewarded? I believe Sir Walter Raleigh had about 3,000*l.* a-year granted to him by Elizabeth—a sum as compared with which 2,000*l.* a-year in the present day was utterly insignificant. If we come down to far more modern times—which I need not go through, as my noble Friend has not followed them—but if we come down almost to our own day, we must remember that it was in the power of the Crown to give great offices, to grant large sinecures, to give large pensions, and to bestow great rewards on those who had performed high service to the Crown. All that has since been abolished. Of late years the House of Commons has said, I think very rightly and properly, that it shall not be left entirely in the discretion of the Crown to make these large money grants—that the consent of the House of Commons should be first required; and then it was always added, “who can ever doubt that if there is a real service performed—if it is not a job to serve a political friend, but a *bond fide* grant to reward a naval or military man who has performed valuable service for his country—who can ever doubt that the House of Commons, under such circumstances, would show its gratitude? Who can ever doubt but that the House of Commons would be too happy to co-operate with the Crown in rewarding these merits?” It was said, further, that it would be an additional satisfaction to the individuals who had performed good service to find that they were not only graciously rewarded by their Sovereign, but that the voices of the House of Commons and the House of Lords were likewise in their favour; and this, it was added, could not fail to make whatever reward was bestowed more acceptable to those upon whom it was conferred. Such was the language held in Parliament when it was proposed to abolish the large pensions and places, and other sources of reward previously held by the Crown. Then, I ask, is this a case, or is it not a case, in which valuable service has been performed? I have stated before, that last year the House had an opportunity of fully considering, and did fully consider and fully testify, by the unanimous opinion of those best qualified to judge the value of the services performed by Lord Keane. Like the right hon. Baronet (Sir R. Peel) opposite, I put aside the question of policy.

I do not ask you to give any opinion as to the policy of the expedition in which Lord Keane was employed. I will even go further, and suppose that that policy was entirely wrong—that the Government at home, and Lord Auckland in India, were wholly mistaken in the policy which induced them to direct a British army to cross the Indus, and to enter Afghanistan for the purpose of deposing Dost Mahomed, and of placing Shah Soojah upon the throne. I will suppose that policy to have been wholly mistaken; but tell me if Lord Keane, having crossed the Indus—having even surmounted the difficulties of the Bolan pass—had found the hostile tribes too numerous, or the dangers and length of the march greater than his small force could accomplish—if, under such circumstances, he had failed in that courage, fortitude, and perseverance, which distinguished him, and had retreated from the enterprise, what would then have been the dangers to which our empire in the East would have been exposed? And if we had been obliged to come down to this House, as probably we should have been obliged, to ask for an addition of 5,000 or 10,000 men to the army, to restore the moral force which Lord Keane's abandonment of the enterprise would have weakened, if not lost—and if we had proposed an expense of 120,000*l.*, or perhaps 300,000*l.* a-year more to support that addition to the army—would it not have been necessary for the House of Commons to have incurred the expense, however great, to support the integrity of our Indian empire? Be it recollected, that this is an empire comprising 90,000,000 of subjects; and a military expedition undertaken that should not be successful—which should not have the brilliant results of Lord Keane's, in which such a place as Ghuznee was attacked and taken in a few hours, would be followed by most calamitous effects, and not only by most calamitous effects to the empire itself, but by most expensive votes in this House. Therefore, with the view to economy alone, to acknowledge these great services—to tell men who have deserved well that we, the House of Commons, concur with the Crown in thinking they have behaved well—and thereby to encourage other men to behave in a similar manner, is, after all, upon the mere consideration of pounds, shillings, and pence, the wisest and the cheapest course

to pursue. So much, then, for my noble Friend's argument, that the services performed in this case are not of sufficient importance to call for any high reward. I come next to the statement of my noble Friend, that he regrets very much that we have proposed to continue this annuity to Lord Keane's two next heirs. I have already stated that I followed, in this respect, the example that was set in the case of Lord Lake, and of many other distinguished military men who served in the great war which terminated in 1815. But, I think, it is a reasonable course to pursue. It seems to me that you cannot well offer a peerage to a man whose circumstances are not affluent, and who would not have the means of supporting the dignity you proposed to confer upon him. I know that Lord Seaton, and Lord Keane, and many other distinguished officers, would say, "If I am offered a peerage, and a peerage alone, I must consider that, if I accept it, I shall be placing my son in a conspicuous situation, as a peer of the United Kingdom, and, at the same time, deprive him of many walks of professional life in which a respectable income might be acquired; therefore, with all deference to the Crown, which offers me this reward, I must beg to decline it." This would be the common operation of the offer to confer honorary distinctions unaccompanied by pecuniary reward. My noble Friend says, that the peerage should not be offered till the grant from the House of Commons had been first obtained—that is to say, that the prerogative of the Crown should be submitted to the decision of the House of Commons. I differ entirely from that doctrine. I hold it to be an unconstitutional doctrine. I will never, as a Minister of the Crown, bring forward a proposition for a grant of money with the view of taking the opinion of the House of Commons as to whether any individual should be made a peer or not. I would not put into the Speaker's hands the question, "ay" or "no," whether Lord Keane should be made a peer of the United Kingdom. With the respect that I undoubtedly entertain towards this House, I do not think that that would be a course proper for me to pursue. Unquestionably the Crown would do no such thing. I tell you what the Crown would do, and what it would be obliged to do—it would grant peerages to those meritori-

ous officers who happened to possess sufficient property to maintain the rank in which they were raised, and who could, therefore, accept the honour without difficulty to themselves, or injury to their families, and it would not offer peerages to those meritorious officers who had not sufficient property to sustain the rank. I have said, that the doctrine of my noble Friend was not consistent with the just and acknowledged prerogative of the Crown—is it a doctrine favourable to democracy? Suppose the Crown had said to the Grahams, the Hopes, the Cottons, and others of the distinguished officers who served in the last great war, "You are all possessed of large estates—you have great property—you can support any dignity, any honour that we choose to confer upon you; therefore, you shall all have peerages; but with regard to other officers, whose services have not been less valuable, nor less brilliant, we find that they have very little property and would not be able to support the peerage, which otherwise they have well earned, and we should be quite ready to confer, without going to the House of Commons for a pension, and as the House of Commons is not disposed to grant pensions for services of this nature, therefore they shall not have peerages." If the noble Lord's views were adopted, that must be the doctrine of the advisers of the Crown; and a doctrine more hostile to the true rights and merits of those who rise from the democracy of this country cannot be imagined. It would be at once to say, "The great naval or military officer who obtains a brilliant victory, and has, at the same time, a large amount of private property, shall be made a peer; but he who has not this advantage—who is a younger brother or a poor man, shall be refused the distinction to which his services would justly entitle him." It has been a favourite doctrine with some gentlemen—amongst others, I think, with the hon. Member for Kilkenny—a doctrine in which I have always been very happy to concur—that in the army the opportunity should be given for men to rise from the ranks—that commissions should be given to them—and that the private soldier should not be deprived of a share of that promotion which is the proper reward of merit. That doctrine is a just one, and of late years it has been acted upon by the Commander-in-chief. Let us suppose that one of those

men who have risen from the ranks—the son, perhaps of a small farmer, or of a labourer—suppose him in a situation of command, and that it falls to his lot to achieve one of those brilliant victories that immortalize his name, and associate it with the history of his country by services that can never be forgotten—suppose, in such a case, the advisers of the Crown were to say to him, “If you were a rich man, we should feel it our duty to advise the Sovereign to confer a peerage upon you; but as you are a poor man, and an obscure man, having no fortune to support any dignity that may be offered you, and as the House of Commons are not disposed to make any pecuniary provision for men in your situation, we are under the necessity of refusing you the highest honour to which a British subject can aspire—the honour of being admitted to the British peerage.” I think, upon all these grounds, whether with regard to the comparison between ancient and modern times, or the comparison between the times of our fathers, and those in which we live ourselves, or with regard to the services performed by Lord Keane, his admirable fortitude—his indomitable courage—his happy maintenance of discipline, and his brilliant conquest at Ghusnee—I say that, upon all these grounds, and upon the ground of supporting the Crown in a grant of this nature, by a vote from the House of Commons as due to merit, whether it be merit in a rich man or a poor man, and lastly, upon the ground that the vote is not proposed by her Majesty’s advisers for any object of a party or political character, but simply and purely for services rendered to the nation;—upon all these grounds, I confidently ask the support of the House to the resolution I have had the pleasure of submitting to its consideration.

Mr. *Hume* rose amid cries of “question,” and “divide.” He said it appeared to him, that the noble Lord, the Secretary for the Colonies, looked but a short way before him when he called in question the arguments of the noble Lord below him (Lord Howick.) That noble Lord had objected to the granting Peerages except for great and extraordinary conduct; and more so, to the giving a pension in the present state of the dead weight and burdens on the people. He (Mr. *Hume*) agreed with the noble Lord. He (Mr. *Hume*) wished to ask the noble Lord (Lord J. Russell) who supported the present motion, whether in

the appeal he had just made to that House, he meant, that they should create hereditary Peers at the present day, and pension them now with the certainty that they would have them beggars at the third generation? When notice of the present motion had been given, he (Mr. *Hume*), had at once intimated his intention of opposing it, and was not then acquainted with the charge made by the Indian newspapers against Lord Keane—that had not originated his opposition. In the first place, he objected to the principle of an aristocracy pensioned by the people, as it was proposed to do to Lord Keane, because he had not fortune to support the rank conferred upon him. He did not, by any means, object to the prerogative of the Queen. Let her create as many Peers as she pleased; let her make shoals of Dukes, Marquesses, and Viscounts. The more she made, the less value would be attached to the Peerage. He made no objection to that; but he objected strongly to the practice which had of late years been adopted in this country, that of creating peers who had not the means of supporting the dignity of the station to which they were advanced. He could not suppose that the noble Lord meant to say, that the Queen of this country could be properly supported by an aristocracy, who were to be supported themselves by pensions from the people. If the noble Lord’s argument meant anything, it meant, that as the Queen had created Sir John Keane a Peer, we were bound, by a vote out of the taxes, to support the family of that Peer. According to the noble Lord’s observations, it appeared, that the son of Lord Keane, being the son of a Peer, would be prevented from engaging in any professional occupation to provide the means of supporting himself, and that it was, therefore, incumbent on the nation to give the son and grandson pensions: and thus, by only providing for the dignity of the Peerage, up to the second generation from Lord Keane, they were in a manner admitting, that the fourth Peer necessarily must be a beggar. Thus, to support that dignity, the noble Lord appealed to the representatives of the people, and called on them for a pension. Did the noble Lord, he would again ask, mean to say, that the honour and interest of the Crown would be best supported by an aristocracy which should be supported by the vote of that House from the taxes of the country? There was a sufficiency of experience before them, to make them

careful in such votes as the present. If he was asked for examples, he could point to the pension list, and there they would find whole families, widows, sons, and daughters, annually receiving money from the taxes, because their husbands and fathers were poor, and had been created Peers. The House of Commons ought not to allow the public money thus to go to the pensioning of Peers, who would be hereafter, of course, pensioners, and subservient to the purposes of the Government, and depend upon the Crown for their support. If the creating a Peer was such an honour as the noble Lord described, could he not adopt the plan of making life Peers, and limit the pension, if any was given, to the one individual. By that system of creating pauper peers, they destroyed the value, if any was attached to the honour; and he could not but think, that it would have been more honourable to Sir John Keane to have made him a life peer on his military allowances, than to make him and his family pensioners, as they were now proposing to do. The right. hon. Baronet, the Member for Tamworth, had said, that he approved of the justice and policy of the present motion; that was, he thought, the reward of a peerage was not too great, and that it was sound policy to make Peers, who had not income enough to support that station, and render it necessary that the people should be taxed to enable them to support the dignity of their Peerage. This was the ground upon which the right hon. Baronet thought this motion just in principle, and sound in policy. [*Hear, hear! and Laughter.*] He (Mr. Hume) thought, that the present was not a time for levity, but a time in which they should look to the distressed state of the country, and take care what they were about. This was not a time for increasing in such a manner the present burdens of the people, when misery and wretchedness existed to so great an extent in the kingdom. Was it to be supposed, that the officers of the British army wanted such inducements as those to make them do their duty? Did the soldiers require, or did they ever receive, such for their gallant conduct? His second objection, then, to the present motion was, that it was not a well-timed one. They had a heavier load of taxes and debt already than they were able by their present income to pay; and the House should observe, that for the last four years, they had a deficiency in the

revenue to the extent of five millions sterling, together with a considerable increase in the military and naval expenditure of the country. The noble Lord had spoken of the glory and success which attended the arms of Great Britain in foreign parts; but he (Mr. Hume) would call their attention to the great degree of misery and distress which existed in so many of their towns and villages at home. This House was always ready to tax industry, and not property in that House, and to take money out of the pockets of the people, whenever it was wanting. As an increase of taxes must take place to meet the increased expenses, and to pay for this pension, he (Mr. Hume) hoped the rich would lay on a property tax, and not further to burden the necessities of life as they had so heavily done. For his part, he regretted the noble Lord below (Lord Howick) had not expressed his opinions against pensions and pauper peerages, when Lord Seaton was created a pensioner, and he (Mr. Hume) would not have had to fight that battle as he had had on that occasion, like the present, almost single-handed. In conclusion, he consoled himself, that he had done his duty to his constituents in endeavouring to prevent the extravagance, and he would add, the injustice of the House, by this act; and he announced his intention of dividing the House upon the motion, and placing on record his opposition to so profligate a grant of money.

Sir *Hussey Vivian* bore testimony, from a long and intimate acquaintance, to the merits of Lord Keane. In answer to the hon. Member for Kilkenny, he could say that the officers of the British army were influenced by considerations as pure and honourable as the officers of any service. Nine-tenths of them gave their services to the country gratuitously, for they bought their commissions for a sum which would purchase an annuity equal to the amount of their pay, and the only reward they sought was the acknowledgment of their country that they had done their duty. But when an officer was placed in an important and hazardous situation like Lord Keane, and that officer, after discharging with signal success the important duty confided to him, was honoured by his sovereign with a call to the peerage, he did think that officer had a right to look to the country for the means of enjoying his dignity. When the noble Lord (Viscount Howick) said, that to grant the proposed

rewards would be the means of increasing the same sort of rewards in future, he forgot that the argument cut both ways; for, although the present instance might be taken as a precedent in the bestowal of future honours, yet it at the same time served to stimulate and encourage the service to honourable exertions. The noble Lord had also complained that the order of the Bath had been kept up to its original number; but the noble Lord forgot that there were many officers who had commanded regiments in the Peninsula and at Waterloo, who well deserved to be appointed to the vacancies as they occurred. With regard to what had been said as to the gallant lord, the subject of the present discussion, he could only state that he firmly believed that he fully deserved the honour proposed to be conferred on him. He would not go into the history of Lord Keane's services, but he would advert to some circumstances well known to himself, to show that Lord Keane had fairly earned the honours bestowed on him. The advance to Candahar was through the Bolan pass—a pass of the most formidable character; and it was hardly possible to imagine the degree of fortitude and discipline necessary to surmount its difficulties and dangers. After arriving in Candahar his noble Friend found it necessary to halt and refresh his army. When he again advanced he discovered that he had not the means of transport for his heavy artillery and his commissariat, and it being necessary, above all, to provision his army, he was forced to abandon the heavy guns. Having been told, that the fortress of Ghuznee was not very strong, he thought it advisable to march upon it, but was surprised at finding how strong it was. Having opened a fire upon it he found it perfectly hopeless to attempt to carry it except by assault or breaching a gate. He, therefore, having found a gate, put into requisition Colonel Pasley's plan and blew it down, but in consequence of too much powder having been employed, the beams and part of the masonry were brought down with it, and the breach was so small that the troops were compelled to creep in on their hands and knees. Fortunately a few companies were enabled to form before the enemy rallied from their consternation, and the British bayonet did the rest. It was entirely owing to the decision of his noble Friend, who, when it became a serious question whether he

ought to obey his orders or not, that he was enabled to carry Ghuznee at a moment when the whole of the peasantry were prepared to take arms against him, and when Dost Mahommed with 12,000 troops was within a few miles of him. Had he failed or abandoned his attempt, it is impossible to say what the consequences would have been; as it was, he triumphantly succeeded, and placed on the throne the sovereign whom he was ordered to restore. He thought his noble Friend had well deserved the honours bestowed on him, and he trusted the House would agree to the vote.

Mr. *Muntz* could not consent to give a silent vote, because, although he felt it to be his duty to vote against the motion, he did not wish any one to infer from that, that he meant to disparage the services of Lord Keane. On the contrary, he thought they ought to be amply and nobly rewarded, but still he could not agree to the present motion. He conceived that Parliament had a right to tax the people of the present day, but had no right to tax a future generation. It was on this principle alone that he would vote against the motion.

Sir *H. Hardinge* recollected, when the military sinecure appointments were done away with, the hon. Member for Kilkenny getting up in his place and stating that he would support the claims of military Gentlemen to rewards. "Take," said the hon. Member, "the military appointments from the Crown, and any officer who comes and claims from the House of Commons a reward for his services shall have my vote." Several hon. Members concurred in these views, but now, when a strong case was made out for compensation, the hon. Member turned round and said he did not choose to create a pauper aristocracy. He thought such conduct to be the least of it, not fair.

Mr. *Brotherton* expressed a hope that he might be allowed to take that opportunity of suggesting to her Majesty's Government that it would have an important influence on society, if they would establish some mode of conferring honours on those who distinguished themselves in saving life, and not confine the highest honours to the naval and military professions. It might not be expedient in all cases to confer the honour of knighthood for such services as Captain Clegg performed last year in rescuing from destruction upwards of one hundred persons; but

he would have our Sovereign imitate the conduct of the King of the French, and bestow gold and silver medals as honorary rewards for acts of heroism in saving life. Such honours would be highly estimated, and stimulate men to cultivate the arts of peace, and illustrate their country by acts of usefulness.

Sir *R. Jenkins* said, that he had had the honour, at a meeting of the directors of the East-India Company, to propose a vote of thanks to Lord Keane; and after what had occurred, he could not conceive how any person could object to reward services which had been of so great importance to the country.

General *Johnson* said, in voting against the motion, he did not mean to detract from the services of Lord Keane, but only to do what he conceived to be his duty to his constituents.

Colonel *Sibthorp* thought, that on an occasion of this kind, it was the bounden duty of every Member to support the proposed grant. When the noble Lord opposite (Viscount Howick) objected, as he understood him, to military men being raised to the peerage, he thought there were certain cases in which this had been done, particularly in regard to the noble Lord's own relative, Sir Charles Grey, who had been rewarded for his distinguished services in the West Indies. Another relative of the noble Lord's, during the period of Earl Grey's administration—he meant Sir Henry Grey—had been made a Knight Commander of the Bath. The noble Lord was also a member of that Government which granted a pension to Sir John Newport, to make room for the appointment of Lord Monteaigle. He thought, then, that the noble Lord ought to have been the last person to object to a motion like the present, which he hoped the House would at once agree to.

Viscount *Howick* said, he did not think it was quite consistent with the rules of that House, that any Member should make personal reference to any other hon. Member. Besides, the hon. and gallant Member should recollect that the parties he had alluded to received titles only, not pensions. With respect to what had fallen from his noble Friend the Secretary for the Colonies, he thought his noble Friend had not done justice to the observations which he had made. What he stated was, that they ought to reserve the high rewards of a pension and peerage to the greatest

service. In illustration of that, he might mention the fact that Lord Nelson, notwithstanding all his brilliant successes in the naval service, did not obtain his peerage or his pension from Parliament till after the battle of the Nile. Previous to that engagement he had only the ordinary pension granted for wounds received in the service.

Colonel *Salwey* said, he must vote against the motion, merely because the proposed grant was continued to the successors of Lord Keane. He regretted that Government had proposed anything so directly contrary to their principles, but he had been long enough a Member of that House to know that the contrast between professions out of the House and acts within it, was melancholy in the extreme.

Mr. *Protheroe* wished to declare that he should support the motion.

The Committee divided; Ayes 195; Noes 43: Majority 152.

List of the AYES.

Adam, Admiral	Colquhoun, J. C.
Alston, R.	Corry, hon. H.
Anson, hon. Colonel	Courtenay, P.
Archdall, M.	Cowper, hon. W. F.
Ashley, Lord	Crawford, W.
Bagot, hon. W.	Damer, hon. D.
Baillie, Colonel	Darby, G.
Baldwin, C. B.	Donkin, Sir R. S.
Baring, rt. hon. F. T.	Dottin, A. R.
Barnard, E. G.	Douglas, Sir C. E.
Basset, J.	Duncombe, hon. W.
Bateson, Sir R.	Ellice, rt. hon. E.
Bennett, J.	Evans, Sir De L.
Bentinck, Lord G.	Feilden, W.
Bewes, T.	Ferguson, Sir R. A.
Blake, W. J.	Filmer, Sir E.
Blake, M.	Fitzalan, Lord
Bodkin, J. J.	Fort, J.
Boldero, H. G.	Fortescue, T.
Botfield, B.	Fox, S. L.
Bramston, T. W.	Fremantle, Sir T.
Bridgeman, H.	French, F.
Broadley, H.	Gladstone, W. E.
Brocklehurst, J.	Gladstone, J. N.
Brodie, W. B.	Gore, O. J. R.
Brownrigg, S.	Gore, O. W.
Buller, F.	Goring, H. D.
Buller, Sir J. Y.	Goulburn, rt. hon. H.
Burr, H.	Graham, rt. hon. Sir J.
Campbell, Sir J.	Grant, Sir A. C.
Canning rt. hon. Sir S.	Grattan, J.
Cantilupe, Viscount	Greene, T.
Carew, hon. R. S.	Grey, rt. hon. Sir C.
Chapman, A.	Grey, rt. hon. Sir G.
Christopher, R. A.	Grimsditch, T.
Clay, W.	Grimston, Viscount
Clerk, Sir G.	Grosvenor, Lord R.
Cochrane, Sir T. J.	Harcourt, G. G.
Collier, J.	Hardinge, rt. hon. Sir H.

Hawkes, T.
 Hawkins, J. H.
 Heathcoat, J.
 Hobhouse, rt. hn. Sir J.
 Hobhouse, T. B.
 Hodges, T. L.
 Hodgson, R.
 Hogg, J. W.
 Holmes, W. A' C.
 Holmes, W.
 Houston, G.
 Howard, hn. E. G. G.
 Howard, F. J.
 Howard, hn. C. W. G.
 Ingestre, Viscount
 Ingham, R.
 Inglis, Sir R. H.
 Irving, J.
 Jackson, Mr. Serjeant
 James, Sir W. C.
 Jenkins, Sir R.
 Jones, Captain
 Kelburne, Viscount
 Knightley, Sir C.
 Labouchere, rt. hn. H.
 Lascelles, hon. W. S.
 Law, hon. C. E.
 Lennox, Lord G.
 Listowel, Earl of
 Litton, E.
 Lockhart, A. M.
 Lowther, J. H.
 Lushington, rt. hn. S.
 Lygon, hon. General
 Macaulay, rt. hn. T. B.
 Mackenzie, T.
 Mackenzie, W. F.
 Macnamara, Major
 Marton, G.
 Maule, hon. F.
 Meynell, Captain
 Miles, W.
 Morpeth, Viscount
 Neeld, J.
 O'Brien, W. S.
 O'Connell, J.
 O'Connell, M. J.
 O'Connell, M.
 O'Ferrall, R. M.
 Ord, W.
 Ossulston, Lord
 Paget, Lord A.
 Paget, F.
 Palmerston, Viscount
 Parker, J.
 Parnell, rt. hon. Sir H.
 Peel, rt. hon. Sir R.
 Perceval, Colonel
 Philipps, Sir R.
 Philpotts, J.

Pigot, rt. hon. D.
 Pigot, R.
 Planta, rt. hon. J.
 Plumptre, J. P.
 Polhill, F.
 Ponsonby, C. F. A. C.
 Praed, W. T.
 Protheroe, E.
 Rawdon, Col. J. D.
 Reid, Sir J. R.
 Richards, R.
 Roche, E. B.
 Russell, Lord J.
 Rutherford, rt. hn. A.
 Sandon, Viscount
 Scarlett, hon. J. Y.
 Seale, Sir J. H.
 Shaw, rt. hon. F.
 Sheil, rt. hon. R. L.
 Shirley, E. J.
 Sibthorp, Colonel
 Slaney, R. A.
 Smith, R. V.
 Somers, J. P.
 Somerset, Lord G.
 Standish, C.
 Stanley, E.
 Stanley, Lord
 Staunton, Sir G. T.
 Stuart, Lord J.
 Stuart, W. V.
 Stock, Mr. Serjeant
 Style, Sir C.
 Sugden, rt. hn. Sir E.
 Surrey, Earl of
 Talfourd, Mr. Serjeant
 Tancred, H. W.
 Teignmouth, Lord
 Thompson, Alderman
 Trench, Sir F.
 Troubridge, Sir E. T.
 Vivian, Major C.
 Vivian, rt. hn. Sir R. H.
 White, H.
 Williams, R.
 Winnington, Sir T. E.
 Wodehouse, E.
 Wood, Sir M.
 Wood, Colonel
 Wood, Colonel T.
 Worsley, Lord
 Wrightson, W. B.
 Wynn, rt. hon. C. W.
 Wyse, T.
 Yates, J. A.
 Young, J.
 Young, Sir W.

TELLERS.

Stanley, hon. E. J.
 Tufnell, H.

List of the NOES.

Aglionby, H. A.
 Ainsworth P.
 Bainbridge, E. T.
 Brotherton, J.
 Buller, C.

Busfield, W.
 Currie, R.
 Duke, Sir J.
 Duncombe, T.
 Ellice, E.

Ewart, W.
 Fielden, J.
 Godson, R.
 Hawes, B.
 Hector, C. J.
 Heron, Sir R.
 Hindley, C.
 Howick, Viscount
 Hutton, R.
 Jervis, S.
 Johnson, General
 Langdale, hon. C.
 Leader, J. T.
 Liston, E. C.
 Lushington, C.
 Molesworth, Sir W.
 Morris, D.
 Pattison, J.

Philips, M.
 Pryme, G.
 Rice, E. R.
 Salwey, Colonel
 Scholefield, J.
 Stansfield, W. R. C.
 Strickland, Sir G.
 Thornely, T.
 Villiers, hon. C. P.
 Wakley, T.
 Walker, R.
 Wallace, R.
 Warburton, H.
 Williams, W.
 Wood, B.

TELLERS.

Hume, J.
 Muntz, G. F.

A brief statement of Lord Keane's Services will be found in the Appendix.

DUTIES ON EAST-INDIA RUM.] The House resolved itself into Committee on the Customs Duty Bill.

Mr. *Labouchere* moved—

“That it is expedient to reduce the duties payable on rum and rum shrub, the produce of any British possession within the limits of the East-India Company's Charter, to a duty of 9s. 4d. the gallon.

Mr. *Goulburn* said, he had deferred rising to the latest moment, because, from what had passed on a previous evening he had been led to expect that some gentleman would have been anxious to enter into the question of the existence of slavery in India, but as no Gentleman had thought that branch of the subject worthy of his attention, he should proceed to express his views on the question immediately before the House; namely, the alteration proposed by the right hon. Member opposite, in the discriminating duties on East and West-India rum. If he were to enter into a history or defence of all the discriminating duties which had been established in the different colonies of this country, he would have to enter upon a subject too extensive for a single evening's discussion. He should then confine himself to the simple question before the House, the subject of the petition which had been presented by his hon. Friend near him (Sir A. Grant). In dealing with questions of this sort it had generally been the practice of Government to take one of two courses. Either having acquired such information as their official facilities enabled them to obtain, they laid a proposition, before the House, for discussion in the House; or, having ascertained that such

proposition affected certain interests, they referred the matter to a committee, before which all parties might state their claims and their grievances, and acted on the decision of that committee. But in the present case the Government had adopted neither of these modes of proceeding. It had taken a course calculated to deceive the parties interested, and, having thus lulled them into security, had adopted a step calculated to inflict great injury, perhaps absolute ruin. This was altogether a new practice, and he should be glad to hear from any Member of the Government on what principle it had been adopted. He was not there merely to advocate the interests of the particular body with which he was unfortunately connected, he was not seeking for the West Indies a measure of justice more extensive than what might be accorded to any other of our colonies; but he was pleading for the interests of every man who embarked his capital in trade or manufactures, on the faith that he was to be secured in a certain relative position, and who suddenly found that position disturbed without notice to the injury, and perhaps ruin, of his property. He would state the case fairly as it stood. In the last Session of Parliament a petition was presented by the East-India company, in which they stated a variety of grievances under which they considered themselves to labour with respect to the distinctive duties on East-Indian produce. That petition was fairly drawn up, nothing could be fairer than the manner in which it was submitted to the House. Indeed it was only necessary to remember who were the two hon. Members by whom it was put forward to be convinced that they would not lend themselves to anything unfair, however conducive it might be to the interest of the parties with whom they were connected. When that petition was presented to the House, it was suggested that it would be expedient to refer it to a committee, rather than that the House should express at once an opinion upon it. He believed the suggestion in question came from the right hon. Gentleman opposite, or from one of his colleagues. [Mr. Labouchere—It came from myself.] In consequence of that suggestion the petition had been referred to committees both of that and of the other House of Parliament respectively. The committee in the other House investigated, at considerable length, the evidence and allegations laid before them.

That committee in the House of Lords included persons conversant with the affairs and circumstances of the East Indies and the matters which they had to deliberate on. It was attended by Members of the Government, who took part in, if they did not actually direct its proceedings. The Members of the Government who attended it were, first, the noble Lord who presided over the council, a committee of which specially had charge of all matters of trade, and who from his proficiency in business, and general acquaintance with matters of trade, was to be presumed to be so far qualified to fulfil his duties on the committee. The other was the noble Lord who held the office of Privy Seal, and who, he believed, now filled that of the Duchy of Lancaster, than whom he would say there was not any one of his colleagues better qualified to form a judgment on the matters submitted to him. That noble Lord, from a combination of circumstances, was peculiarly fitted for grappling with the subject of the committee's inquiries, he having filled the office of commissioner of Customs, and thereby having become intimately conversant with the nature and operation of duties—how and in what quarters their pressure was likely to be particularly felt—and what their effects were on the interests of the different possessions of the Crown. The committee appointed by the other House of Parliament, from these causes, naturally commanded the respect of all who took an interest in the question. He now came to the report made by that committee as regarded the effects of spirit duties. As the passage was not a long one he should read it, but in the few observations he had to make, he should not refer immediately to evidence, unless the truth, of what he alleged was denied. He should speak as on the understanding that he should get credit for stating the truth, without troubling the House by quoting the evidence, unless it became necessary, by denials of what he stated, to prove the accuracy of his allegations. The right hon. Gentleman read the following extract,—

“It would have been very gratifying to the committee had they deemed themselves justified in recommending further, at the present moment, that the duty upon East-India rum should be at once and in all cases assimilated to that levied in British ports on rum, the produce of the colonies in which slavery has been recently abolished; but they are reluctantly compelled to admit, that the circumstances

detailed in the evidence, as to the state of transition in which those colonies now are, afford grounds for excepting them at present from the rigorous application of the general principle of equality.

That was the opinion, it should be remembered, promulgated not merely by a committee but by distinguished members of the Government. The committee considered the depression that existed in the West Indies to be occasioned by the operation of recent legislative enactments, and taking into view the low wages, the exuberant richness of soil, and the other advantages existing in the East Indies, they were fearful of any departure from a system which, while it afforded some degree of protection to the interests of the West, did not deny prosperity to the East-Indies, or injure the cultivation of the sugar cane, though it did not transfer to the latter a new profit at the expense of the other. Such was the opinion, not expressed lightly, but after a full and careful review of the evidence brought before it, arrived at by the committee of the other House. He (Mr. Goulburn), as one of those interested in the subject, was prepared to assent to that opinion. By the postponement suggested by the committee a time might have shortly arrived when the question might have been properly raised. The feelings which actuated him were by many persons, felt by those, even, who were adverse to the principle of the distinction in the duties. Even such persons were willing to continue things as they were at this present period until the West Indies had in some degree recovered from the various blows which had been inflicted on their prosperity. Hundreds of persons relying on that report, continued to expend sums in the improvement of their estates and the encouragement of labour, in the hope that better times would arrive, when they might get some return. And he would contend, that under ordinary circumstances they would have acted with discretion in so relying on a report of a committee of the House of Lords, which had the sanction of the Government itself. That report was communicated to this House, it came before the committee appointed by this House on the same subject; and, though the committee in question did not contain any Cabinet Minister, it yet contained Members of the Government; and no one would deny, that the noble Lord who was placed in the chair of the

committee was both a member of the government and was deserving of all praise, for his knowledge of and attention to business. The report of the Lords, saying that the time had not arrived for placing the duties on an equality, was placed before the committee of this House. They sat for a considerable time, heard much evidence on the subject, and the report which they made was this:—

“ Finding it impossible to conclude in the present Session the evidence proposed to be laid before them, they think that they shall best perform their duty by confining themselves to reporting to the House the evidence already taken.”

Now, if the West-India proprietors were led, by the report of the Lords, to expect that no immediate alteration would be proposed, was not this report of the Commons' committee calculated to confirm them in that impression? Was not an intimation clearly expressed therein that the committee would in the ensuing (the present) Session resume the investigation of the subject and take fresh evidence? He would put it to any man of sense whether it were possible to anticipate the step now taken? Could it have been anticipated, that at the earliest moment of the Session, before the enormous volume before him was in the hands of members long enough, with the ordinary degree of industry to permit of its being gone through and understood—that, in such a state of matters, the first thing the Government did would be to take a step in direct opposition to the opinions expressed by committees of the Lords and Commons, to opinions promulgated with the authority of the Government itself, and propose an equalisation on the duties, affecting more than one kind of spirits. He said more than one kind of spirits, for though they were told that rum alone would be affected by the proposed alteration, there was, he believed, no man who read over the evidence, and who had consulted those conversant with the spirit Trade, that could entertain a doubt that every kind of spirit manufactured in India would henceforth share the benefits of the alteration. It was well known, that the rum flavour could be imparted to spirits in such a manner, that the most experienced could not detect the difference, and that a quantity of such spirits was imported as rum; no one, therefore, could doubt that the effect of the proposed equalisation would be to admit every kind of spirits made in India, so that the effects would be much

more extensive than the statements made in support of the alteration would lead those to suppose who had not examined the subject attentively. But arguing as he was for the maintenance of the opinion expressed by the committee of the House of Lords, he (Mr. Goulburn) would ask what reason was there why the proposition of the right hon. Gentleman could not be postponed to some period more safe, in reference to the great interests connected with the West Indies? a gradual alteration would render the fall less sudden and ruinous. Why should it not be gradual. By delaying this matter there was no great suffering interest which they would run risk of injuring. There was no evidence that the parties engaged in the East Indies in the manufacture of rum or sugar were suffering. There was no large invested capital to be ruined by the measure proposed; they were not called on to remove any obstruction or prohibition which inflicted injury on the interests or the commerce of the East Indies. Quite the contrary. The evidence told them the contrary. The committee of the House of Lords stated the contrary. The evidence said, that the present system only withheld from the East-Indian producer a new source of profit to which he had looked forward. It stated that a great profit was derived from the manufacture of East-India sugar; that that produce was doubling; and that even the rum alone which was sent over to England at the present rate of duty produced a great profit. Such were the facts which the right hon. Gentleman would find in the evidence of the witnesses. But how was it with the West Indies? Was their sugar trade increasing? The very contrary. From returns on the table it was plain that the produce of the West Indies was annually decreasing. It might easily be calculated, what the effect must be on the civilization of those colonies if, by any sudden blow to the prime elements of their commercial prosperity, they withdrew at once the capital now engaged in the payment of labour, and in diffusing the means of civilization and employment. In the course of a few years the state of society there had undergone a complete revolution. But a short time since the great mass of the population were in a state of slavery. It was indisputable that that circumstance, by limiting the cultivation to particular fertile spots, increased the amount of the produce on them to a degree much greater than the number of labourers em-

ployed would cause to be supposed. Now, he rejoiced as heartily as any one that the period of slavery had gone by; he would never measure the advantages which the system of slavery had conferred on individual proprietors against the advantages accruing to the great body of the people from the acquirement of freedom. He approved of the measures which had been passed for the improvement of the condition of the slaves, and in that for conferring freedom on them. He did not now regret that act, suffering though he did, in common with others, in his personal interests from its consequences. Many who had property in the West-Indies, and who considered, that property had duties as well as rights, had expended the money received by them at the period of the manumission of the slaves in endeavouring, by timely preparation, to make the system of freedom work well. He was himself aware of many who were possessed of property there, who had no debts on their estates, in paying which they would have laid out the capital they received. That capital they expended in the improvement of the estates and of the condition of the labourers; in endeavouring to introduce them gradually to freedom, and prepare them for it; to induce them to a regular cultivation of the soil. What was the result? When money had been expended to a large amount, under the impression that the apprenticeship would continue for the period appointed—when these proprietors were endeavouring to fulfil the intentions of the Legislature—a vote passed, unfortunately for them, to discontinue the system in existence, and they were plunged into a state of hardship and difficulty which it would be impossible for any one not closely acquainted with the circumstances to form a conception of. He spoke of that which had occurred to others as well as himself. By the sudden burst of freedom, a wild, but natural, exultation, was spread amongst the people; a disinclination to labour was excited: one third, and in many cases, one-half of the crops was left uncollected. And, when he said uncollected, many Gentlemen would not understand the amount of injury implied by the word. It would be supposed that nothing was incurred but the loss of the third or half of the particular crop uncollected. But this was altogether a false view. In the tropical climates, a revolution of years and the expenditure of a vast capital were required to repair the injury inflicted by the neg-

lect of collection in one year only. Such was the consequence of departure from the principle of apprenticeship that had been laid down. He certainly thought that if that had not taken place, the condition of the West-Indies would be different from what it unfortunately was at present. Such being the difficulties in which these colonies were placed by the change of system, and now, when the proprietors were endeavouring, by a continued expenditure of capital, to recover from the blows inflicted on them and the devastation of their property, all he asked was, a compliance with the suggestion of the committee of the House of Lords, that a measure should not now be pressed on the owners of property in Jamaica and the other islands which would involve them in ruin. Taken as a mere question of duty, what was the condition of the West Indies? See what an amount of additional duty was practically imposed by the changes that had occurred in the state of society. They had in evidence that the cost of production was doubled compared with what it formerly had been. Take the *ad valorem* duty on the joint productions of sugar and rum, the distinctive duty in favour of the West-Indies was about 12 per cent. Now, the additional charge which arose from the alteration from slavery to freedom in the West Indies, was a charge equivalent to double that sum. The right hon. Gentleman did not appear to understand his argument. What he meant to say was, that the distinctive duty between the articles was twelve per cent. in favour of the West-Indies; and that by emancipation and its consequences, the price of labour in the West-Indies had so increased, and other expenses had so accumulated, as to make more than that difference to their prejudice. He was now arguing against the immediate change proposed by the right hon. Gentleman, and in the hope that he would consider the report made by the committee of the House of Lords. There was at this moment no particular necessity for the proposed alteration, when, in fact, a more than equivalent duty had been imposed on West-India produce. He would put aside the question of slavery, which would be alluded to by others; but he felt called on to remark that in the East Indies, whether actual slavery existed or not, those who cultivated the land were unable to dis sever themselves from it. They were bound to remain on the soil, to cultivate it, and to give to the landlord a certain portion of

their produce. That fact was stated by gentlemen who had spent a great portion of their lives in India, and who were favourable to the proposed change. In however modified a degree, this species of slavery did certainly exist in the East Indies; but nothing of the kind existed in the West. There the labourer might work to-day in one part of the island, might depart where he liked, and might never be heard of again. In the East, on the other hand, from the condition and usages of society, there did exist that connexion between the cultivator and the soil which bound the individual, more or less, to it, and produced a great facility and cheapness of labour. This circumstance, again, should induce them to take a considerate view of the claims of the West Indies. His argument was, not that there should be a permanent distinction, but that some regard should be had, in arranging the question, between the difference in the cost of production. In the committee which had lately sat on the import duties, which was composed of political economists, and which was certainly not favourable to distinctive duties, it was, nevertheless, admitted, that a difference should be made between a country in which there were no taxes, and one in which there were many, because taxes added to the cost of production, nor was it against the principles of sound political economy to make a distinction between places so differently circumstanced? They should likewise consider that they were dealing with places widely differing in the kind of market which was open for the productions of each. In the East they had a market for their sugar of no less than 100,000,000 of persons. A witness had stated that over 100,000,000 were supplied with the sugar of the East Indies. It travelled across the entire continent till it met that of Russia, its only competitor. The produce of the West Indies was excluded from these parts by laws of nature more powerful than political regulations. A witness had stated the average consumption of sugar in the East Indies was about 56lbs. per head per annum, and this would make a consumption of more than fifty million hundred weight of East-India sugar. This was no idle calculation. It was made by a gentleman well acquainted with India, who filled a high station in the country, who had been there a long time, and who, from his talents and knowledge, had been appointed secretary to the Treasury. Look at the different position of the West Indies,

The market for their sugar was limited to twenty-eight millions of persons in the British islands. The article came over here in a raw state. But had it the command even of this market? No. It had to meet the competition of the other sugar which shared the privilege of the supply. Under these circumstances, was it unfair to ask for the postponement of such a measure as the one now proposed between parties and places so differently situated—the one having the supply of an enormous market, without any competition; the other confined to a market which was not only contracted, but in which a keen competition was to be encountered! When he saw that the East-India Company were a body who possessed an immensely preponderating power, and unlimited means of extending their traffic in the produce of India, he could not persuade himself that by postponing the proposition of the right hon. Gentleman any danger to the interests of that country would be incurred. The right hon. Gentleman might impute to the West Indies an exclusive monopoly if he would; that would be hard language, but no argument; and the right hon. Gentleman had himself answered it at the beginning of his own speech on the introduction of this measure, for he stated that the price of rum on the Continent always regulated the price in England; and therefore that it was not in the power of the West-India proprietor to make his own price in the market. The right hon. Gentleman doubted the effect on West-India interests of an equalisation of the duty on East and West India rums: was he aware that on the day following, the one on which he made that proposition West-India rum fell full fifteen per cent? He might from that fact know the alarm of the capitalists who held large stocks of rum and the probable consequence of this equalisation to their interests? For these reasons, he (Mr. G.) thought that the right hon. Gentleman would have acted more prudently, more wisely, and more justly, if he had adopted the resolution of the committee of the House of Lords, and not, as he was now doing, attempted to subject the West-India colonies to the additional disadvantage of a new competition, at a moment when every assistance should rather be given them in the struggle they were compelled to make for existence under the new order of things. He was well aware that, as compared with the enormous population of India, the population of the West In-

dies was as nothing; but he also knew, and he trusted the House would never forget, that these colonies were among the very first foreign settlements of Great Britain—that they had been the nurseries of our commerce, the main sources of that naval power and national strength; to which we are mainly indebted for our other greater and perhaps more valuable conquests, and that the time might come when this country would itself feel the consequences of their calamity or distress.

Mr. Labouchere confessed, that he had heard the speech which had been just addressed to the House by the right hon. Gentleman, with the greatest satisfaction, because, attaching as he did, the greatest importance to the present motion on its own merits, but still greater on account of the principles which it involved, he did rejoice at the assurance, that a right hon. Gentleman, possessed of so much ability, and of so long an experience, had only to produce arguments of so little substance, that it would require only a comparatively short statement from him, inferior as he admitted himself to be. Still he trusted, that he should easily convince the House, not only that it should not oppose, but that it ought to adopt the present resolution. The right hon. Gentleman commenced his speech by condemning the Government for having assented to the appointment of committees of the House of Lords, and the House of Commons, during the last Session of Parliament, and then, after the House of Lords had expressed an opinion not unfavourable to the present measure, but, on the contrary, favourable in the highest degree, the right hon. Gentleman blamed the Government, and especially him (Mr. Labouchere). Having weighed well the report, and the evidence on which it was founded, he agreed with the committee in the principle which they had laid down, but had not been able to agree in the recommendation of delay. It was not for him to speak slightly of the recommendation of the committee of either House of Parliament, and particularly not of a committee that had upon it noble Lords for whom he had the highest respect. He held, that no Minister of the Crown, placed in the situation in which he was, had a right to skulk behind the report of a committee of either House of Parliament in defending himself, either for bringing forward propositions which he did not in his conscience believe to be just, or for refraining from bringing forward those which he deemed to be inexpedient for the public interest. He thought that

committees were invaluable for the purpose of collecting information, and of suggesting general principles to be acted upon, but as for the determination of the mode and the time of carrying into effect particular measures, he firmly believed, that that could be best done by persons who had the means of official information, and of conversing with those individuals whose interests were at stake in the proposed alterations. The right hon. Gentleman had twitted him with the fact of two members of the committee being noble friends of his. He acknowledged that to be the case, but he believed that those two noble lords had attached much greater importance to the statements of those who were interested in West-Indian produce, as to the effect of the proposed alteration, than they were entitled to. Those persons had stated, that the effect of the adoption of the proposed measure would be a sudden blow, and a check to West-Indian property. He, however, had been able to convince those noble Lords, that this would not in reality be the case, and he trusted that, before he sat down, he should be able to state reasons to the House, which would lead hon. Members to the same conclusion. The question between the right hon. Gentleman and himself was reduced to a very narrow compass. The right hon. Gentleman had not said, that this should not be done, because the West Indies had any indefeasible right to any advantage over the other colonies of this kingdom subsisting in any other part of the world, but all that he said was, that there were circumstances which called for some delay in applying those principles, which he considered to be abstractedly just. He should be able to show to the House, however, that although the effect of the motion must be of great importance, they would necessarily be gradual—that it could not produce any sudden effect, and that all those representations which had been made, were founded upon exaggerated views of the subject. The right hon. Gentleman had reminded him of the statement which he had made, as to the condition of the rum trade, when he first brought forward this subject to the House. He had stated, that at this time there was a greater quantity of rum brought to the United Kingdom than could be consumed, and the consequence was, that the surplus was exported to places where it met with foreign and with East-India rum, but that it maintained a monopoly in the English market over those articles; and the right hon. Gen-

tleman argued that the price of the article in the foreign market must, of necessity, regulate that which it obtained at home. This did not prove, that if they altered the duty, they did not alter the value of rum in the same way as they would in the case of sugar if they let in foreign sugar. But, he was asked, where was the advantage which East-India produce would derive from this alteration? He believed, that the Leeward-Island rum and the East-India rum were of the same quality, and would compete with British rum; but the Jamaica rum was of a different quality, and the price was nearly double. Jamaica rum thus maintained a monopoly price in the English market. He believed, that if the East-Indies brought their rum here, their manufacture of the article would be improved, and they would be enabled to compete with the Jamaica rum, and finally reduce the prices which were now obtained for it. Was not this, he asked, an object which it was most desirable should be attained? It would require some time to elapse before the manufacture could be improved and the new article introduced; but he would remind the House, that at this moment the prices of rum in England were higher than they had been during the last five years. He therefore contended, that it was for the interest of this country, that an inducement should be given to the East-India proprietors to produce the finer as well as the inferior kind of spirit. He thought, then, that the House must be satisfied, that in acceding to the proposition which he had made, they would take a step advantageous to this country, as well as to our East-Indian colonial possessions, and which would give no sudden blow to the interests of the West Indies, nor reduce the colonies in that part of the globe, as had been suggested to a state of hopeless and irretrievable ruin. But, furthermore, he would beg the attention of the House to what was a very important branch of the subject, he meant the effect to which the present system of discouraging the East-Indian rum, and encouraging that of the West-Indies had upon our supply of sugar. The system had a species of double operation. What was its operation in the East-Indies? It was stated to the committee by Mr. Sym and Mr. Rogers, gentlemen of the highest respectability, and who had embarked large capitals in the cultivation of sugar in our eastern possessions, that they had already reached a point at which they could find no market for their molasses; they could make their

molasses into rum, but for that also they were unable to procure a sale. Mr. Sym was asked—

"The natives generally abstaining from rum, and the demand for molasses ceasing, you can anticipate, unless the export of rum be permitted, no demand for molasses, if you increase the growth of sugar?" and his answer was "No. I do not see how we shall have any demand for our molasses."

He had quoted this only to show that it was at least the opinion of those who had embarked capital in the sugar trade in the East Indies, and whose efforts we were bound to encourage, that the present system of duty operated as a serious detriment to their labours. He would now turn to the West Indies: and what, he asked, was the effect of the duty there? There had been some very remarkable evidence given upon this point, and he would refer to the statement of a witness, whose character would be allowed to be of the highest respectability. Mr. M'Queen was a man possessed of very large estates, and he said that the cause of the high prices of Jamaica rum was this, that the high price of the West-Indian rum induced the cane-growers there to convert the larger proportion of the produce of their estates into spirit, and that the consequence, therefore, was, that more rum came to this country, and less sugar, than had hitherto been the case. He had had the management of many fine estates in the West Indies, and he said, that he himself had sent out orders to several of them, directing that less sugar and more rum should be sent home. The right hon. Gentleman said, that this was very advantageous to England, and to the West Indies, but what was the effect on the market? Was it not too bad, that in the present short supply of sugar from our British possessions in every part of the world, we should resort to a system of this kind. In the East Indies, which was the only place to which we could look for filling up the void which was left, arguments were advanced against the establishment of manufactories for sugar. Seeing the injurious operation of the existing duties, both in the West and the East Indies, and being convinced of the gross iniquities of the system; and, on the other hand, being convinced, that there was no real ground for saying, that by taking the step which was proposed, they should be dealing a blow to the West Indies which would be fatal to their prosperity, he felt, that he should have broken his faith with those gentlemen connected with the East Indies,

to whom, in a conversation which he had had at the commencement of the last Session, he had expressed his willingness to refer the subject to a select committee, and to consider and give effect to the evidence which should be produced, and apply a remedy to any evil which might be shown, if he had not brought forward the proposition which was now before the House. He need not detain the House by referring at much greater length to the subject; and, indeed, he was almost ashamed to argue the question upon the narrow points on which it had been placed. When he looked at the situation in which we stood with regard to India, drawing from our dependencies there nearly three-and-a-half millions of taxes towards the support of the Government, for which we gave her no return at all, except that to which he thought the House would agree they were entitled, namely, justice; when he reflected, that upon this point India had received from us nothing but injustice, that we had utterly destroyed her manufactures by our manufactures—that the district of Dacca, the Manchester of India, had dwindled to insignificance before the strides which our British goods had made in our Indian possessions, he thought, that upon the merest principles of justice this proposition ought to be acceded to. He would not weary the House with any long details, but there were some facts of importance to which he could not help referring. He held in his hand a return of the cottons and muslins of British manufacture, which had been exported to India. He found that return showed, that the amount exported had increased every year. The right hon. Member read the following account of the

QUANTITIES OF COTTONS AND MUSLINS OF BRITISH MANUFACTURE EXPORTED TO INDIA.

	Yards.		Yards.
1814	818,208	1835	51,777,277
1821	19,138,726	1837	64,213,633
1828	42,822,077		

COTTON YARN.

In 1825 the value of twist and yarn sent to India was 16,000*l.*; In 1837 it was 602,000*l.*

All the evidence received by the committee went to show that the demand on the part of India for our manufactures was only limited by the poverty of its inhabitants, and he would appeal to the feelings of justice and generosity which the House possessed, and more especially to those hon. Gentlemen, who, being the representatives of the manufacturing districts of Great Britain, would find it to the interest of their constituents to give their assent to

the motion. He rejoiced, that the right hon. Gentleman had not used an argument which he had seen employed in the public prints; that, although he had stated his views as to the West-Indies, on which he thought that the principle which was proposed ought not to be applied, on account of the peculiar position of the West-Indies, he had not brought forward the view or the argument to which he referred, and which was as foolish as it was unworthy. He alluded to the appeal which had been made to the vain fears of the representatives of the agricultural interests, lest it should be found that British spirits should be shut out of the market by those coming from the East Indies. He had expected to hear that argument employed, but as it had not been used, he should make no further observations upon it. He would conclude by saying, as he had said before, that he attached great importance to the question, not only on its own merits, but in a much greater degree, on account of the principle which was involved in it. He was sure, that in a country like this, possessing great colonial territories, there was but one safe and rational course to pursue, namely, to treat with the same measure of justice every part of those territories; and he hoped most sincerely that the House would not withhold its assent to the motion which was before it.

Mr. Ewart said, the right hon. Gentleman opposite (Mr. Goulburn) had based his main defence on what he supposed was the impregnable position of the report of the Committee of the House of Lords; but that argument had been fully met by the right hon. Gentleman who had just spoken. The right hon. Gentleman next took his stand on the proceedings of the committee of the House of Commons, on the ground that that committee had made no report. But why had they made no report? Was it that they were not convinced of the propriety of equalising the duties? No; but because they were delayed through their whole proceedings—he could not believe, from any unworthy motives—but undoubtedly, in fact, by the conduct of the hon. Member for Mauritius (Mr. Irving). If, indeed, that hon. Gentleman had the remotest idea of delaying the labours of the committee, and disabling them from making a report—which he was bound to believe could not have been the case—the course he had taken would have that unquestionable tendency. The right hon. Gentleman next said, that the rum of India found a market in the east, and

therefore required no extension of its market here. But two witnesses before the committee, one of whom was Mr. Trevelyan, stated, that there was no market in the east for East-India rum, and that it could not be sold at a profit unless the market of England was opened to it. He begged him to refer to the evidence of Mr. Rogers himself, an owner of a factory in India. That gentleman said, that “under the present system there was no effective competition between East and West India rum.” The right hon. Gentleman, however, was hardly satisfied with that, but also said there was a large market in the interior of Asia, for sugar itself. That he certainly was astonished to hear; for, if it were so, how came it that we had had so much sugar of late years imported into this country from the east? Mr. Larpent also, a person who had been habituated all his life to trading in the east, stated, to the committee, that there was no market there for sugar; and further, that the market relied on for rum was the market of this country. He should have been glad if the measure now proposed had been of a more comprehensive nature; he thought that the equalization of the duties might have also been extended to the article of tobacco. The tobacco of India was not equal in quality to that of Virginia, and if the duties were equalised an opportunity might be afforded to the poor consumer of obtaining a cheaper article. The course of policy in our commercial character to be adopted towards India had been long pointed out by the current of events. So long ago as 1831, when witnesses from the manufacturing districts were examined, before the East-India committee, this important fact was established: that it was possible, in consequence of the vast superiority of our machinery, to import raw cotton from India, spin it into yarn, send it back to India, and undersell the yarn manufactured by the natives themselves. That was the consummate triumph of capital and machinery. From that moment it became clear that our policy with regard to India; was changed, that we were bound to call forth her natural productions—sugar, rum, cotton, tobacco, and indigo—articles that were at that time in the infancy of production. A new policy was marked out by the course of events, and by that course our conduct should be regulated. In pursuance of this policy, we carried, in a few years, the equalization of the sugar du-

ties; and now came as a corollary to that measure, as a supplement to it, the equalization of the duties on rum. He was anxious to call the attention of the House to the extreme injustice of maintaining any duty (such as the duty on rum) which enhanced the price of sugar, especially at the present moment. At the close of the year 1839, the stock of sugar in this country was computed at 47,000 tons; at the end of 1840 it was only 20,000 tons; and the consumption had fallen since the year 1835, when it was 200,000 tons, to 165,000 tons within three years—a diminution of no less than 35,000 tons, with a fast increasing population. Was this the time, then, to continue the discouragement of the production of sugar by maintaining this discriminating duty? Was it a time for maintaining the high duty on the coffee of Mysore? Mysore was virtually a British possession; why should we do an injustice to the people of India, and irritate their feelings, by imposing a higher duty on the coffee of Mysore, than on coffee from the West Indies? He knew not whether the reforms intended to be made by the Board of Trade were to be followed by reforms on the part of the Board of Control; but he trusted that such would be the case, and that justice would be done to the people of Mysore. He had always thought it important to reduce these duties, not only for general reasons, but for this, that whenever the production of one article in India was extended, it encouraged the outlay of capital in the production of many more. For instance; when the cultivation of indigo was extended, it had produced a very beneficial effect on other articles, and the cultivation of shellac almost immediately followed. One of the most important circumstances stated by the witnesses who were called before the committee was the immense capability of India, in the production of cotton. Every species of cotton was to be found in the different parts of India, from the finest sea island to the commonest cotton of Surat. The cultivation of cotton would be encouraged by the facility given to the production of other articles. At the same time the consumption of our manufactures in India would be increased. Notwithstanding the vast capabilities of India, and the industry of the British people, the consumption of our manufactures was less in India than in any part of the British possessions. While our colonies on an average consumed British manufactures at the

rate of 1*l.* 10*s.* per head, the natives of India consumed only a quantity at the rate of 6*d.* or 7*d.* per head. Ought we not, then, to take their raw productions, as an encouragement for them to take our manufactures? He now saw rising many prospects of advantage to the British capitalist in India; the transit duty had been abolished, except (he believed) in Madras, a great relief to commerce and manufactures, and a great inducement to the employment of capital in India. British settlements, he hoped also, was increasing. In the last Session of Parliament he had moved for a return to show the extent of settlements in India. It was impossible at present to trace their full extent; but he believed they were increasing. Greater certainty, he trusted, had been introduced into the tenure of land, without which the producing powers of India would never be developed. He hoped the time was coming when one uniform system of tariff and customs would be established over the vast regions of India, similar to the great confederation, or *Zoll-Verein* in Germany. The resources of India would never be called forth while they legislated for it in isolated portions. India should be included in one vast and comprehensive system, and consolidated into one vast confederation.

Mr. Colquhoun did not agree with the hon. Member for Wigan, that it was not the duty of the Government to consult the West-India interests in this matter, but he could not help saying, that West-India interests appeared to him to have the most direct and obvious connexion with English interests in relation to this subject—a connexion not of ruin, as had been said by his right hon. Friend below him (Mr. Goulburn), but a connexion of palpable benefit. On the ground of West-India interests he was anxious to call in free labour sugar from other countries. He considered that by the introduction of capital into India, and consequent improvement of lands, which he conceived would result from the proposed measure, a great benefit would be conferred upon India and upon West-India interests. But he thought he was bound to look also to another interest. He could not conceal from himself the vast importance of introducing the manufactures of this country into our East-India possessions, but it was impossible that we could expect to secure a market for our manufactures in those countries unless we received their produce in return. Looking then at the manufacturing interests of this country, he said it was important that

such a measure as that now before the House should pass without delay. Then if he looked at British interests in India, would any man tell him that there could be a bond so palpable, and so secure, as that of identity of interest wherewith to bind the natives of India to this country? What other bond had we? Identity of religion there was none. Identity of language there was none. Identity of interest, then was that alone on which we had to depend, and if we did not encourage that identity of interests, how could we hope to preserve for any length of time those important possessions? The geographical position of our East-India possessions, with reference to the empires of China and Russia, ought not to be lost sight of. It was important to show to the natives of India, that while the policy of Russia was commercial monopoly, and the exclusion of the commerce of other countries, the policy of England was that large and generous policy which, while it sought to introduce into India the manufactures of Great Britain, would, on the other hand, throw open our ports to her raw material; and thus convince her, that it was not only for her advantage of civilization, but to her interest, to remain connected with this country. On these grounds he should support the resolution of the Government. He would not enter into the question, whether the right hon. President of the Board of Trade had broken faith with the West-Indian interest or not; that he would leave to him and the right hon. Gentleman below him; but he thought he owed it to the Government to say, that having the report of the committee, and the evidence on which that report had been founded in their hands, it did become them to take a direct line, and he believed they had taken the line that was most advantageous to the permanent interests of this country and of India.

Mr. *Hawes* was surprised that the right hon. Gentleman, the Member for the University of Cambridge had left altogether out of sight the interests of the consumers. The high price of sugar had caused them much misery, but that was a point on which the right hon. Gentleman had been wholly silent. There could be no doubt that the West-India colonies, according to the representations of the owners were in distress; but it was a mistake to suppose, that their distress was of modern origin; they had been living for some years past upon a species of Parliamentary charity, and were no worse off now than they had been more

than half a century ago. He was prepared to shew that by a reference to evidence of unquestionable character. The hon. Member quoted extracts from the work of Bryan Edwards, from the debates in Parliament, and from reports of committees, to shew, that for a long period antecedent to the commencement of this century, estates had gone out of cultivation, and that the planters had complained continually of being in distress. He referred, also, to a report of the Jamaica Assembly, quoted by Bryan Edwards, to show the distress of the West-India interest, before the abolition of the slave trade. That report refers to a period of twenty years, from 1772 to 1792 states, that in that period, 177 estates were sold for debt, 55 thrown up, 92 in the hands of creditors. In fact, whether the state of the West-India interest was considered before the abolition of the slave trade, or afterwards, and before the abolition of slavery, or again in later times, after the emancipation bill, the receipt of twenty millions as a compensation for the abolition of slavery, at all times, and under all circumstances, the West-India interest was complaining of distress. To what was this to be attributed? He attributed it to the undue protection which had been afforded to their produce. It was this which had prevented them from employing the plough or machinery; and hence seeing the uneconomical system of cultivation which they had adopted, what other result could be expected than that which had happened? Had the principles of free trade been adopted in respect to these colonies, he was sure that their interests would have been benefited by it. Turn now to the East Indies, they asked for no protection. All they desired was, to be placed upon the same footing as the West Indies. The East-India grower of sugar, had enjoyed no protection whatever; yet, under that system, the trade had materially increased, and was in a situation ultimately to become most prosperous. Again, as regards cotton, the same results were apparent. Cotton was sold in this market, at half the price of American cotton, slave-produced cotton. This showed, that the produce of free labour of the east, could, and did, compete in price, with the produce of slave-labour of the west. He thought, these contrasted facts afforded the strongest argument in favour of the adoption of the principle of free trade—to be applied, no doubt, with caution, and a due consideration of what is best for the interests of India, and the colonies generally. In

proof of the advance of the trade in indigo, also, in the East Indies, the hon. Member referred to documents to show, that whereas the produce of Indigo in 1786 was valued at 57,000*l.*; in 1809, 1,105,678*l.*; there was shipped from Calcutta in 1830, 2,000,000*l.*; and the crop was estimated at in 1840, 2,300,000*l.* The East Indian Indigo trade was wholly unprotected, and had driven out of the markets of the world the produce of the French and Spanish slave colonies. But it declared that the East Indies were entitled on the ground of justice and of right to equal privileges in the trade with the mother country. Why then came the merchants in the East-Indies to postpone claims founded in justice to the merchants and proprietors of the West Indies. It was the interest of the western country to obtain the raw material on the cheapest terms, and if protection were to be given to any colony, it was the East Indies that was entitled to it; nevertheless all they asked was, that their produce should be admitted into the home markets on free and unfettered principles of trade, on equal terms especially with West-India produce. The indigo of India was superior to that of any other country, and the cotton produced there could be obtained at half the price of American cotton, which was the produce of slave-labour. He believed, moreover, that the sugar at this moment produced by free labour, provided the colonies could buy what they wanted in the cheapest markets, would be able to enter into

successful competition with that produced by slaves. His belief was, too, that giving encouragement to East-India produce would be the surest means of putting down the slave trade, and, as a first step towards that object, he thought that the Government would be right in reducing the duty on rum. But the West-Indian interest said, that unless high prices were continued, they could not keep up the cultivation of sugar. It certainly was a monstrous thing, to be obliged to depend for our supply on sugar produced at a monopoly price. This was a matter which, he maintained, ought to be considered with reference to the interests of the public only. The result of the present system had been a steady diminution in the consumption of sugar, accompanied by a consequent falling-off in the demand for coffee, and a general decline of trade, which must inevitably lead to the imposition of fresh taxes—a thing which he looked on as perfectly unjustifiable, under present circumstances. Indeed, he should be ashamed to meet his constituents, if he had assented to a measure calculated to lead to this result, without making some effort to improve our trade, and thus improve our revenue. He would now show, the quantities of sugar entered for home consumption for the last six months, of the years 1839 and 1840 together with the average price, and its effects on consumption; with their average prices in two different years.

STATEMENT OF THE DELIVERY OF SUGAR FOR HOME CONSUMPTION, WITH THE GAZETTE AVERAGE PRICES, FOR THE LAST SIX MONTHS OF THE YEARS 1839 AND 1840.

MONTHLY DELIVERIES.			Decrease in	Gazette Average Prices.		Increase in Price.
	1839	1840	1840	1839	1840	1840
	<i>Tons.</i>	<i>Tons.</i>	<i>Tons.</i>	<i>s.</i> <i>d.</i>	<i>s.</i> <i>d.</i>	<i>s.</i> <i>d.</i>
July	10356	9261	1095	40 1½	55 4	15 2½
August	12271	7159	5172	40 7	57 3½	16 8½
September	9694	7284	2410	40 5½	58 5	17 11½
October	9659	7623	2036	38 3½	57 8½	19 4½
November	9980	5859	4121	38 0	57 0½	19 0½
December	8356	5770	2586	37 7½	53 6½	15 10½
Total	60316	42956	17360			

Memorandum, 1841.

First week in Jan. no return of price.
Second ditto, ditto.
Third ditto

38 5 50 10½ 12 5½

Did not these facts prove incontestably, that with a high price came, inevitably, a corresponding diminution in the consumption? Besides which, this state of things bore with great severity on the great body of the people. In fact, the practical effect of the present system was, to put into the pocket of the West-India proprietor so much money out of the taxes, which the consumer had to pay over again—to take, in short, out of the public treasury a portion of that general taxation which ought to be applied to national purposes only. One result of these high prices was, that a large trade had sprung up for the purpose of adulterating coffee, which was sold to poor purchasers entirely in consequence of the high price of that article, a fact which came to light in the evidence before the import duties committee. He had presented to the House last year, two petitions from the large dealers in London. The first was from the householders of the metropolis; they asked for a diminution of the difference which existed between the duties on colonial and foreign sugar; they asked for an honest equalization of the sugar duties; they stated that a difference of duty existed, amounting to 160 per cent., which they averred to be inconsistent with the amount of protection extended to any other trade whatever, and this not on an article of luxury, but on one of the greatest importance to the public in general. The other was from the wholesale grocers, stating, “that their trade had diminished; that adulteration had consequently taken place, and that the revenue was thereby diminished.” True, various interests rose up to prevent the just and honest course from being pursued in this case, but he contended, that with those the House ought to have nothing whatever to do. He affirmed, that the general interests of the country, as well as the particular interests of individuals, would be best consulted by the gradual adoption of the principles of free trade throughout the whole commercial community. With regard to the plea urged by the right hon. Gentleman opposite, that the West-India interest had been taken by surprise, he begged to remind the House, that in 1825 Mr. Huskisson, on the Mauritius Trade Bill, stated, that whenever the consumption in this country became equal to, and tended to become greater than the supply, the West-India colonies would no longer be able to maintain their present monopoly. In 1836, when Mr. Spring Rice, then Chancellor of the Exchequer,

introduced his bill for equalizing the sugar duties of the East and West Indies, he had quoted the words of Lord Stanley, with regard to this very point of notice to the West-Indian interests:—

“The feeling which every Gentleman had expressed on the subject of the freedom of trade, and, above all, the strong hint which had fallen from the right hon. Baronet, the Member for Tamworth, against any protection being afforded, were sufficient to show the proprietors of the West-India colonies, that they must not expect a continuance of protective duties.”

Since 1825, then, they had been told in the most emphatic language, that they must not rely upon the continuance of their monopoly, and now the only argument urged against this bill was, that time ought to be given—that the West-India interests ought not to be taken by surprise. But, he begged to ask, would the right hon. Baronet fix any time? Only let them continue a system of monopoly, and the time would never come when it would be convenient to introduce the principles of free trade. He would conclude by expressing his gratification at the introduction of the measure, though it did not go to the full extent of his wishes, and by thanking the House for the attention which they had paid to him.

Sir A. Grant said, this question had been considered purely as a question between the East and West Indies, but he contended that the question ought to be discussed with reference to the peculiar circumstances in which the West-India colonies were placed. An important feature in the objections to this measure was the impossibility of finding a test to ascertain whether simulated or real produce of the East Indies was imported; and the right hon. Gentleman the President of the Board of Trade had quoted the opinion of the chairman of a committee of the East-India Company, who had said, that he would as soon rely upon the certificate of a revenue officer of the East-India Company as upon the certificate of a Government officer. But he begged to remind the hon. Gentleman, that the revenue officer appointed by the Government of this country could have no other interest but to do his duty in enforcing the proper regulations; and he could not help thinking that there was a broad distinction between the revenue officers appointed by the Crown and those appointed by the company. The argument of his right hon. Friend the Mem-

ber for the University of Cambridge had no reference to a comparison of the East and West India interests; it was founded entirely on the peculiar position of West-India property. He was not going now to argue upon a state of things which existed fifty years since, and which appertained to a state of slavery. The West Indies had been placed in a novel position. He stood not there to defend slavery; but when the measure for its abolition was introduced, it had found the landowners of the West Indies possessed of certain rights which they had acquired on the pledged faith of this country. The country might be quite right to deal with those rights, but the impossibility of dealing with them without compensation had been acknowledged by the grant of 20,000,000*l*. He was not going to deny that 20,000,000*l*. was a large sacrifice for the people of this country to make. But when he came to the term compensation, he had a right to impress the House with the difference of the position in which he now stood. He could appeal to Mr. Bernal, and if it were for him to leave that chair he would confirm the statement which he made, that the West-India proprietors had suffered great loss from that measure. He appealed to Mr. Bernal with reference to the income which he enjoyed before and that which he had enjoyed since the passing of that bill. It was quite right that the House should understand that. The argument used in favour of the measure was the reduction of the quantity of sugar; but what they did raise now was raised by the payment of high wages, which they had not paid before, and the remuneration the West-India proprietors received was wholly insufficient to cover that loss. It might, perhaps, be said, that he was here affording an argument in favour of encouraging the production in the East Indies, but that was not so. He only asked that they might have fair play. In former times the West-India produce had been more than enough for our consumption. Our West-India colonies manufactured about one-third more than we consumed; and though, notwithstanding the good behaviour of the emancipated population, the high price of labour had necessarily diminished the production, he had no doubt that in Jamaica, which was the principal of our West-India colonies, and with which he was particularly acquainted, the supply would, if they had fair play, be again raised in a short time to what it was under the old system. Since the termination of the apprentice-

ship he had gone on cultivating his property at a great loss. The high price of sugar this year might, perhaps, relieve him from actual loss, but that was a state of things which could not endure very long. The estates must, in the end, go out of cultivation. The right hon. Gentleman opposite had said distinctly the other evening that both parties attached too much importance to the matter, that the West Indians felt that it would do rather more harm to them than it really would, and, that upon the whole, he did not think it would do the East Indians much good. It was a question at all events whether something ought not to be conceded to the alarm of the West Indians. To some portion of the House these were matters of vital importance. As to the question before the public, the price of sugar was certainly high, but of that price it was to be remembered, the public had to pay about 25*s*. for war duties, which were pledged to be removed upon the expiration of the war, and which the Chancellor of the Exchequer last year had increased, by raising the customs 5 per cent. He would now suggest to the right hon. Gentleman the President of the Board of Trade, a verbal amendment upon his resolution, which might save the trouble of dividing the House. Instead of the resolution as it now stood, he would suggest that the words should be "gradually reduced," which would pledge them to the principle of the resolution, but would remove the objection to it on the score of surprise.

Dr. Lushington would, for the present, exclude from his view of the subject the state of slavery in the East Indies, but would call the attention of the House to other topics. There were three great interests which should be considered by the House before it came to a determination on the subject. In the first place, they ought to consider the effect of the present system, and of the proposed measure on the consumer; they also had to consider the just claims of the inhabitants of their extensive dominions in the east; and they likewise must not exclude from their serious attention the state and condition of the population of their West-Indian colonies. These were the three great points they had to look to. He most heartily concurred in the great principles laid down by his right hon. Friend, the President of the Board of Trade, as to the effect of their proceedings in India; and that the greatest consequences might result from their proceedings on this question. He believed, that

Great Britain had no right to go to a foreign territory, and make the great conquests which she had done in India, and to continue to hold possession of the country, on any other principle than for the promotion of the benefit and happiness of the inhabitants of the country. He confessed, however, that he could not look back on the history of our connection with India, without strong feelings of shame and sorrow. He might admire the glory gained by our arms, and the great achievements of our warriors in those climes; but he felt, at the same time, that there were shades of a dark hue in the history of British India, which must excite painful feelings. If our proceedings in that extensive territory were carefully regarded, it must be admitted, that however much we might admire the victories gained by the bravery of our troops, that the measures that had been adopted in the government of the country, were not calculated to promote the benefit and happiness of the people. If any one wished to see how badly our duty to the people of India had been performed, it was only necessary to look back to what had been done during the last ten years. They need only refer to the result of the labours of the committee of 1832, and to the report that had been then prepared. No one could read those documents without feeling, that it was the duty of the British Legislature to do all in their power to remedy these particular acts of injustice, and to do all in their power to raise the prosperity of the country, and to remedy some of the evils that had been inflicted on its inhabitants. Who could read, in the recent report of the committee of the House on East-India produce, the account of the destruction of the manufactures, and the decline of the produce of Dacca, without entertaining the strongest feelings of sympathy and pain? Entertaining this view of the subject, it was impossible, that he should not feel disposed to give every possible aid and relief to the inhabitants of Hindoostan, and, as far as they justly could do so with regard to other interests, raise them up from their present sinking and declining state. Again, looking to the condition of the great body of the consumers of colonial produce in this country, it was impossible not to feel deeply and keenly the injury and privations inflicted upon them by the high price of sugar. This operated with the utmost severity on the inhabitants of this country; and it was not possible to suppose, that they would long continue to

bear it, without making their complaints heard in the House, in a manner which could not be mistaken. From the highest to the lowest—from the wealthy and respectable middle classes, to the inhabitants of the cottage of 40s. a-year—all felt aggrieved at the monopoly price of this article of necessary and general consumption. The chief objection, however, to the proposed measure was the fear, that attempts might be made to introduce slave produce into the home market. Now, he, in spite of what had been said by his hon. Friend, the Member for Lambeth, as to the insignificance of this consideration, both actually and morally, might be told, that there was a great distinction between the dear labour of our colonies, with the cheap labour of the Brazils and Cuba, but he was satisfied, that with the same advantages of soil, and with the same convenience of ingress and egress for its produce; and, above all, if the slave-trade was truly and honestly put down, there was nothing to fear in the competition between free and slave labour. But if his hon. Friend meant to assert, that the produce of the colonies of Great Britain would stand in competition in the foreign market with that of those countries which openly and avowedly carried on the slave-trade, he did not hesitate to say, that he did not believe, that they could do so for a single moment. At the present time, the price of Cuba sugar was 23s. per hundred weight. In that island thousands of men were annually employed in breaking up a new soil, without any regard being had to their lives, but were treated worse than post-horses. He believed, that it was utterly impossible, that any produce of free labour could be brought into successful competition, as long as the demand for labour, without regard to human life, was fully supplied in these slave countries. This was one of the points of view in which he regarded the present question. As for the argument of the right hon. Member for the University of Cambridge, that the West Indies were in a state of transition, and that they should be allowed some time before any change was effected, and that, therefore, this measure should be postponed, he believed, that it very much overrated the difficulties of the case. It was his firm conviction, that this measure never could affect them, and could not produce any mischievous effects in the West-Indian colonies. He would not repeat the argument of his right hon. Friend (Mr. Labouchere), on this subject, but he

was sure, that the result of the strictest investigation would be, to show, that the evils that were anticipated were altogether groundless. He recollected, that in the discussions on the proposition to admit the sugar of the Mauritius at the same duty as that of our West-Indian possessions, and which he strongly opposed at the time, under the conviction that the slave-trade was still carried on in the former colony, Mr. Huskisson said, more than once, that he never for a moment believed, that East-India produce could enter into successful competition with that of the West Indies. The view taken of the subject by that distinguished statesman had been fully confirmed by the result of the admission of East-Indian sugar at the reduced duty into the home market. It had been stated, that the result of the competition of East-Indian with West-Indian rum, would be to throw the latter entirely out of the home market. But what was the case at the present moment in the foreign market? Did the introduction of East-Indian rum into those places so materially affect prices, or drive West-Indian produce out of competition? The truth was, from all that he could learn, that the West Indies were recovering from the state of depression in which they had fallen. As a proof of this, he would mention, that in the island of Antigua, which was formerly one of the poorest of our colonies, with a worn-out soil, there had been a great increase in the produce of the colony, which was now in a most thriving state. Again, in Barbadoes, it appeared, that with the exception of last year, when there had been a falling-off in consequence of a severe drought, there had been a gradual increase in the produce, and the colony was in a flourishing condition. The same was the case with British Guiana, Trinidad, and other of our colonies, but he admitted, that this might not be the case with Jamaica, or other colonies, where, he believed, that there would be found circumstances of a local nature, materially to interfere with the prosperity of the colony. With respect to the present measure, he would only observe, that he would not support any bill on the subject, unless it contained ample provisions to prevent the importation of slave-grown rum into this country. If this were not done, the West Indians would have good grounds of complaint, and the people of England would be justified in remonstrating, after they had given 20,000,000*l.* to put a stop to slavery in the colonies. He would not, at the present moment go into the question of the

distinction between domestic or prædial slavery in the East Indies, but he would take care at a future stage of the bill to ask the House to take such steps, to prevent the introduction of slave produce as the country was justified in demanding as a protection. He might be told, that there was no slave produce now; if that were the case, the restrictions which he should propose, could do no harm; but if there was slave produce, he only proposed to adopt proper checks and cautions. He hoped to bring forward a motion which, if slavery should exist, would finally put an end to it.

Viscount Sandon said, there was one class which had not been mentioned in the debate, but which he looked upon as very important—the free labourers of the West Indies. The House ought to protect the great experiment of free labour which it had there set on foot. With this view he thought it of great importance to encourage the exertions of the West-India proprietors to maintain and promote the industry of those colonies. The House should beware of doing any thing which would induce the West-Indian body to withdraw their capital, or diminish their exertions in the promotion of colonial industry, and thereby endanger the success of that great experiment which had already cost the country so much. He confessed that neither of the propositions now before the committee for the immediate or gradual equalization of the duty on rum exactly met his views of the justice and policy of the case. In his opinion, the interests of the whole empire would be best promoted by fixing a limited period—say two years, when the equalization should be carried into effect. This would enable the West Indians to provide an increase of labour, which was absolutely necessary to enable them to sustain competition with those engaged in the cultivation of sugar in the east. The struggle at present was an unequal one; it was essentially fettered labour against free labour. Parliament had not yet devised measures which would allow a free immigration of labourers into the West-India colonies without the risk of inhumanity; and the price of labour being thus enhanced artificially by restrictions of our own, some reasonable space, if not positive encouragement, should at least be afforded to increase the supply. He therefore hoped the suggestion he had offered, of fixing some period when the equalization should

take effect, would find some favour with the Government.

Mr. *Labouchere* did not think it at all advisable to accede to the proposition. In point of fact, even if the resolution were passed, and the bill to be founded on it carried into effect, a considerable interval must of necessity elapse before it could come into operation. It was his intention in all cases to insist on the production of a certificate from India, so that neither the rum now in bond, nor that now on its way to this country, could be affected by the equalization. It must at least take six months before the bill could come into operation, even allowing no time at all for the increase of the establishments in India. If the House were satisfied of the justice of the proposition, and that it could not inflict any serious evil on the West Indies by carrying it into immediate operation, he submitted it would only be trifling to adopt any amendment, the tendency of which would be to interpose any delay.

Mr. *Hogg* could not help thinking it would be gross inconsistency in the right hon. and learned Member for the Tower Hamlets attempting to introduce such a proviso as he had described, "provided always, that it is not the produce of slave labour." He could not allow that a single pound of sugar was ever exported from Calcutta; or ever manufactured in India, the produce of slave labour. But if there was the remotest ground for the imputation which the right hon. and learned Gentleman had thrown out, he hoped some remedy more substantial and worthy the cause of freedom would be introduced, than the ridiculous and paltry check he proposed by way of a proviso.

Sir *C. Grey* denied the existence of slavery in the east, and defied the ingenuity of his right hon. and learned Friend to draw up any clause to effect his purpose without throwing the whole bill into utter confusion.

Sir *R. Peel* said, this was a most important discussion, for it should be borne in mind that they were now, in fact, called upon finally to decide the question, and that, after the resolution had been passed, it would not be competent for them in committee on the bill to alter the tenour of the proposition so far as the increase of any duty was concerned. He had, therefore, to state very briefly to the House the impression left on his mind by reading the evidence which had been taken before

both committees. His impression might be an erroneous one, but it was at least unbiassed by party considerations, and by any personal interest in the question. He was utterly unconnected both with the East and West Indies, and if he had any leaning at all, it must be towards the consumer. It was impossible, he thought, to deny the principle laid down in the Lords' report, that the colonial dependencies of the British empire should be treated with perfect equality. It also became important to consider what was perfect equality. They could not decide this by a mere equalization of duties. It would be absolutely necessary to consider whether the colonies in respect of which they were about to equalize the duties were themselves on an equality as to facilities of import. That was a consideration they were bound not to overlook; but the general principle appeared unquestionable. If the principle itself were indubitable, it appeared to him, considering the peculiar circumstances of our Indian empire, to apply, with special force, to the situation of that country. Looking to its immense extent, the vast importance, yet extreme difficulty, of procuring any satisfactory mode of adjusting the remittances from the east—above all, when he considered the injury we had in one sense inflicted on the native industry of that country by the importation of our own manufactures, he did think the general principle of equality between colonial dependencies applied with at least unrestricted force to the British possessions in India, with reference to our dependencies in any other portion of the globe. Some of the arguments brought forward against the equalization of duty did not make any impression on his mind. The facility of making spirits from rice must be disregarded; the comparative cheapness of labour, too, in the East Indies, could not be admitted as a valid objection to the equalization of duties. He came, therefore, to the other argument urged by the right hon. and learned Gentleman the Member for the Tower Hamlets—namely, the existence of slavery in the East Indies, as a reason for subjecting imports to discriminating duties as compared with the produce of the West Indies. He was bound to say, he could not admit the force of that argument. After referring to the best evidence he could procure upon this subject, he could not bring himself to admit that slavery existed in the East Indies

under any circumstances which would entitle them to say, that equalization should be postponed until what was so called slavery was abolished. If the argument of the right hon. and learned Gentleman had any force at all, if they conceived that a state of slavery existed in the East Indies which should disentitle to equal protection, why not adopt measures for its immediate abolition? But when the learned Gentleman came to consider the connexion of that sort of forced labour with the system of task-work, he would find it more difficult than he now imagined to abolish it by act of Parliament. To postpone, however, the equalization of the duty on East and West India rum until he had actually settled that abolition, would be deferring its operation to a much more distant period than even the most ardent advocate of the West Indians could wish. To define exactly what constituted slavery in a country circumstanced like the East Indies must lead to a conflict in the Custom-house regulations, which would practically exclude any regulation of the kind proposed. So far, therefore, as the ordinary arguments applied against the principle of equalization, he was bound to say they did not produce any impression on his mind. But at the same time he did entertain a doubt. He did not agree with this passage in the report of the House of Lords—"We are reluctantly compelled to admit that the circumstances detailed in the evidence as to the state of transition in which our West-India colonies now are, afford grounds for excepting them at present from the rigorous application of the general principle of equality." If they acted on that principle, their conduct would amount to an indefinite postponement. Next year there might be circumstances which would render the application of the principle still less convenient than at present. The most satisfactory and just course, perhaps, would have been to take some step for the immediate reduction of the duty, and provide for its ultimate extinction at no distant period. He would reduce the duty on East-India rum, say 2s. a gallon this year, and 2s. more the year after, providing for an assimilation of duty at the end of three years. That would be a perfect guarantee to the East Indians that we recognized the principle of equality, and also that the Legislature took immediate and effectual measures for defining the period when the discriminating duties should entirely cease.

His ground for that course of proceeding was, that the West Indies had a right to say, "You ought to have given us early notice of your intentions." He thought the experiments which had been made upon their interests and the state of society there, had been experiments of the greatest magnitude, but the existence of the state of transition should not have prevented the Government at home from laying the foundation of equalization, and, therefore, the West Indies had now a right to say, that the measure was harsh towards them. He was of opinion, that before the House proceeded to the equalization of duties in the month of February, 1841, the Government ought, in the course of last Session, to have given some notice, and announced its intention on the subject. Not only, however, was there an absence of all notice, but the proceedings adopted by Parliament had a direct tendency to mislead. For what did the West Indians find? They found that, with the consent of the Government, a committee had been appointed in the course of last year, but no intimation was given by the Government, that the object of the committee was to provide for the equalization of the duties on East-India and West-India rums. They found a voluminous report from the House of Lords—more voluminous indeed than was necessary—voluminous as far as evidence was concerned, and no intimation was given, at the time, that evidence was laid upon the Table in the course of last Session, that on the part of the Government, the equalization of the rum duties was in contemplation. The West Indians then referred to the report of the House of Lords, and they find that report leaning most justly, in his opinion, towards the East-India claims; laying down the great principles of equity, and indicating an inclination on the part of the Lords' committee to find a remedy for the complaints made by the East Indies. They found, in that report, the passage he had already quoted, and he asked any person to consider the position under such circumstances of the West-India colonies. Seeing that no indication had been given by the Government—that no report had been made on the subject by the House of Commons, but in the Lords' report there being a distinct admission—in which he did not concur—that the time had not arrived when any step could well be taken for the equalization of these duties, was it not more than probable that

every West Indian would come to the conclusion that the month of February, 1841, would pass without any proposition of this nature being made. He also felt the force of the observations made by his noble Friend (Lord Sandon) with reference to West-India pecuniary interest, and he certainly thought that it was of immense importance, that the great experiment of the substitution of free labour for slave labour in the West Indies should be successful, not only for the sake of the colonies themselves, but for the purpose of depriving France and the United States of an opportunity of appealing to the failure of the experiment made by this country as a justification for abstaining from following its example. He thought every instant precipitate removal of capital from the West Indies would have a great tendency to disturb the due progress of that experiment, and to prejudice its success; it was not improbable that some of the most respectable inhabitants of the West Indies might be tempted to withdraw their capital from those colonies for the purpose of speculation in the East Indies, a proceeding which he feared would have a most prejudicial effect upon the result of the great experiment to which he had adverted. On the whole, therefore, he contended it would have been more consistent with justice to have taken some immediate step towards a reduction of the duty on East-India produce, thereby recognizing the principle of equalization, and giving a pledge to carry it into effect within a definitive time. Under all the circumstances of the case, and in the absence of all notice to the colonies, this, to his mind, would have been a much more satisfactory course; but he felt so strongly the justice of the claims of the East Indies—he felt so strongly the importance of some immediate step being taken for the application of the principle of equalization, that if some other hon. Member proposed a reduction in the way he stated—viz., an immediate reduction, and the definition of the time when the duty should be totally repealed—he should feel it his duty to vote for it. Unless such a proposal, however, was made, he had no wish, on his part, to disturb the unanimity of the House by calling for a division on the proposition of the hon. Gentleman opposite.

Viscount Sandon wished to ask the noble Lord, the Secretary for the Colonies, whether it were the intention of Government

to propose the adoption of any measures for the promotion of emigration to the West-India colonies?

Lord *J. Russell* asked if the question of his noble Friend applied to emigration from India particularly, or from the colonies generally?

Lord *Sandon*.—To emigration from any part of the globe.

Lord *J. Russell* replied, that with regard to free emigration from India, the noble Lord was aware that, by a decision of the House last year, further information was called for on the subject, and since that time there had been a report made, which, however, did not come to any decisive result. With respect to emigration from other quarters of the globe, there arose a different question. There could be no objection to voluntary emigration from India to the West Indies, individuals paying the passage-money, but it would not be just or fair to raise a tax in the colonies for such a purpose. In the next place, for the good of the colonies themselves, great care had been taken to see that emigration was properly conducted, and that there should not be that disproportion of sexes which had caused so many evils in some of the colonies. There remained a third consideration, which was to take care, by every possible means, that, under the name of emigration, nothing like the slave trade from the coast of Africa should arise. All these considerations he had held in view in looking at the laws passed by the colonies themselves. With respect to Trinidad, there an Order in Council had lately been passed, altering a former order, which forbade emigration from Africa to Trinidad as far as it related to Sierra Leone. In Jamaica, an act had passed, which he last year stated required amendment, and though the bill effecting those amendments had not yet been officially received in this country, still it had been passed with the same limitations as the Order in Council at Trinidad, and it was probable also that in British Guiana, the same measures would be adopted.

Resolution agreed to, and the House resumed.

WAYS AND MEANS.] The Chancellor of the Exchequer moved the Order of the Day for a Committee of Ways and Means.

Mr. Goulburn pointed out an irregularity, as it appeared to him, in the course

proposed. The practice has been to get a vote of supply, and then to go into a Committee of Ways and Means. Now at present only a fictitious vote had been taken, and he hoped this departure from the old practice would not be drawn into a precedent.

The *Chancellor of the Exchequer* said, there was no novelty in the course he proposed, which had been invariably followed of late years. He admitted the vote he had taken was a mere fiction, but like many others, such as John Doe and Richard Roe, it was a very useful fiction.

Sir R. Peel said, it would be better to postpone the present vote for a day or two, rather than run the risk of establishing a bad precedent. The right hon. Gentleman said, there was no novelty in the proceeding—this course certainly was not followed in the good year 1835.

The *Chancellor of the Exchequer* observed, that there was no novelty, except that the *Chancellor of the Exchequer* had stated the truth.

Mr. Herries suggested, that it would be better to postpone the Committee of Ways and Means, in order that the system might be put in a better course. If the transfer of aid was now taken, it would, legally speaking, be a mis-appropriation, if applied before the 1st of April, 1841. In the case of the navy estimate, this had been done to the extent of 300,000*l.*, and it was clearly illegal.

The *Chancellor of the Exchequer* consented to the postponement of the committee.

Committee postponed.

RAILWAYS.] Mr. Labouchere moved the second reading of the Railways Bill.

Mr. Hawes wished, that time should be given to afford opportunity to consider the bill.

Mr. Labouchere said, if the second reading were allowed, he would consent not to go into committee on the bill for a fortnight, and would give notice of the precise day.

Colonel Sibthorp hoped the bill would not be committed till that day three weeks.

Mr. Labouchere thought, that he had given the parties affected by the bill ample opportunity for considering it; and he hoped, that the hon. Member would be satisfied with his (Mr. Labouchere's) general assurance, not prematurely to press on the bill.

Sir R. Peel expressed a hope, that this bill would, as far as possible, be carried through in unison with the feelings of the railway companies. He did not mean, that the Government should comply with any unreasonable demands on the part of the companies, but it certainly would be more effective if passed with their approval. After all, the great security for the public was to be found in the attention of the companies. It was their interest to make travelling secure, for persons travelling for pleasure would not go by railways if they felt they could not do so in safety. As far as he could judge, the Birmingham and London, and Grand Junction Railways were admirably conducted. Whenever accidents happened, they did all in their power by making fresh arrangements to prevent their recurrence.

Mr. Labouchere said, that every endeavour would be made to carry the bill with the support of the directors of the railway companies. The companies had always yielded to the representations of the Government whether they had infringed the Acts of Parliament relating to the railways, and had rendered it unnecessary for prosecutions to be resorted to against them.

Colonel Sibthorp hoped, that some relief would be given to the postmasters, who were much oppressed in consequence of the railways, the companies paying much less duty per passenger than the postmasters. If, instead of the duty of one halfpenny on every four passengers per railway, a penny were exacted, it would give the postmasters some relief.

Bill read a second time.

HOUSE OF COMMONS,

Monday, February 15, 1841.

MINUTES.] Bills. Read a first time:—East-India Rum; County Bridges.—Read a second time:—Administration of Justice (No. 1 and 2); Turnpike Acts Continuance (Ireland).—Read a third time:—Court of Exchequer (Ireland).

Petitions presented. By Mr. Clay, Mr. Easthope, Mr. Ormsby Gore, and Mr. Law Hodges, from Whitechapel, Leicester, Carnarvon, and various other places, against the existing Poor-laws.—By Sir E. Knatchbull, Mr. Labouchere, Sir E. L. Bulwer, and Mr. Macaulay, in favour of, and by Mr. S. O'Brien, against the Copyright of Designs Bill.—By Sir R. Inglis, Mr. Miles, and Sir T. Fremantle, from Southampton, Hinton, Blewitt, Somersetshire, and places in Bucks, in favour of Church Extension.—By Mr. Macaulay, from Edinburgh, for Reform in the Medical Education, and for an Alteration of the Tariff.—By Sir H. Vivian, from a Medical Society in Cornwall, for Medical Reform.—By Mr. Lockhart, from West-India Merchants in Glasgow, against the Equalisation of the Duty on East and West India Produce.—By Mr. T. Parker, from Attorneys and Solicitors of Preston, for the Removal of the Courts of Law and Equity to the

vicinity of the Inns of Court.—By Mr. Ormsby Gore, from Oswestry, for an Extension of the means of Spiritual Instruction in the Colonies.—By Mr. T. Duncombe, from Manchester, for the Pardon and Restoration of Frost, Williams, and Jones.—By Mr. M. Philips, from Manchester, for an Alteration of the Laws relating to the Exportation of Machinery.

COMMERCIAL TREATY WITH FRANCE.]

Mr. Grote begged permission to put a question to the right hon. Gentleman, the President of the Board of Trade, in reference to the duty on foreign wines and spirits. It would be in the recollection of the House, that the Chancellor of the Exchequer, in bringing forward the budget of last year, reserved a considerable sum in consequence of a contemplated diminution in the duty on foreign wines and spirits. It was understood that negotiations had been going on with the French government since that period, connected with the reduction of those duties; but the uncertainty that still existed as to the amount of the reduction, or, indeed, the doubt that, under all circumstances, might be fairly entertained as to whether there was to be any reduction at all, occasioned much inconvenience and embarrassment to the trade. The question, therefore, that he wished to put was, whether the President of the Board of Trade entertained a hope of the probable and speedy conclusion of the arrangements between the governments of the two countries, and a reduction of the duty on wines and spirits consequent thereupon.

Mr. Labouchere, before answering the question put to him by the hon. Member for London, begged to set him right upon a point on which he had fallen into a mistake as to what was last year said by his right hon. Friend, the Chancellor of the Exchequer. It was true, that his right hon. Friend stated, that he thought it right to provide a certain sum for duties which he apprehended might be diminished in consequence of negotiations then going on with the French government; but his right hon. Friend carefully guarded himself as to wines or brandies, or other articles upon which he thought it likely the reduction would be effected. He admitted that the suspense occasioned by the protracted nature of the negotiations going on between that country and France had caused great inconvenience to the trade, and it would be very desirable to put an end to that suspense as speedily as possible. Under ordinary circumstances, he should have felt it his duty to urge upon the French government the

speedy settlement of the question, and he certainly should have done so were it not for motives which would obviously suggest themselves to the House. He trusted, however, that he should be able, in the course of a short time, to give a distinct answer upon the subject.

ADMINISTRATION OF JUSTICE BILL.]

Lord J. Russell begged, for a moment, to claim the attention of the right hon. and learned Gentleman (Sir E. Sugden) opposite with reference to the Administration of Justice (No. 2) Bill. When that bill was introduced, he had informed the right hon. and learned Gentleman that it was the intention of the Government to oppose it, but that he could not then state in what stage of the measure that opposition would be offered. He was unable, at that moment, to state all the reasons and grounds which he wished to have an opportunity of stating, for not acceding to the bill, in consequence of the indisposition of the Lord Chancellor. The objections that he entertained would, perhaps, be more properly stated upon the motion for the second reading, which stood for that evening; but as he was prevented by the circumstance to which he had alluded from entering into the subject at that moment, he should not propose to resist the second reading, provided it were distinctly understood that he should have an opportunity afforded to him of stating his objections fully on the motion for going into committee.

Sir Edward Sugden was very much obliged to the noble Lord for explaining the course he proposed to pursue. He thought that the bill which he had had the honour to introduce ought to be read a second time that evening, in order that it might go on *pari passu* with that of the Attorney-general. But he had not the slightest objection, under the circumstances that had been referred to, to allow the discussion to stand over till the period that the noble Lord had intimated.

CUSTOMS DUTIES—EAST-INDIA RUM.]

On the motion of Lord John Russell, the Report of the Committee on the Customs Duties Acts was brought up.

On the question that the Report be agreed to,

Mr. O'Connell wished to observe, that this measure was calculated to do much more good to England than to India. It was calculated to diminish the price of

sugar, and also the price of rum to the British consumer. It was very important, therefore, to the British consumer, seeing that the price of sugar was now so very high. It was also calculated to be of much benefit to the British manufacturer. By opening a market for the produce of India in England, a wider market would be obtained for the manufactures of England in India. So that in both of these respects, the measure would be particularly useful. He was, therefore, glad that it had been undertaken; and having intimated some opposition to it upon its introduction, he now readily waived that opposition upon the ground he had just stated; and also, because he agreed with the right hon. Gentleman, the President of the Board of Control, that the question of slavery in India was of too much importance to be entertained or discussed incidentally. Undoubtedly a matter of that kind demanded to be brought forward in a distinct and separate form; and he should be glad to have an early opportunity of discussing it upon its own merits. He might, perhaps, have been induced to enter somewhat more at length into the subject upon the present occasion, except that he thought the papers moved for by the right hon. and learned civilian, the Member for the Tower Hamlets (Dr. Lushington), were calculated to throw much additional light upon the matter, and it was desirable that the question, whenever it was discussed, should be approached with all the information that could be obtained regarding it. For, although slavery in India was qualified by the slaves having rights which they had not in other countries where slavery was admitted, yet its influence upon society, particularly in the intercourse between the sexes, and the imprisonment of females, not as wives, but as concubines, was of so much importance to the well-being of India, to the advance of civilization, and to the probable introduction of Christianity into those extensive possessions of the British Crown, that the House could not have too much information before it prior to its entering into any discussion upon the subject. He trusted, however, that the present Session would not be allowed to go over without a more ample consideration of this topic than had been accorded to it in previous years. There was another point of great importance connected with this subject—he alluded to the landed tenures in India, or rather to

the want of landed tenures in the greater portion of India. There were portions of India under what was termed the permanent settlement. That was a subject of extreme magnitude, and one which he would, if no other Member did, bring under the notice of the House before the present Session closed. There were immense districts not permanently settled. The landed revenue was assessed either on communities, in something of the nature of corporations, or of individuals under the denomination of ryots. It was not denied that the natives had rights to the soil. It was said, the India Company had no right to the soil; but they claimed the right of assessing what they termed land revenue, which in reality was rent. He did not think the right of any man to land could be valuable when another man had the right and the power to impose whatever rent he pleased, followed by the sale of the interest of the individual, if the rent were not sufficient, and accompanied by all the evils which must necessarily attend so unsettled a state of things. The general rule in India was, that no man was proprietor of the land. In many districts in which men laid out their capital this thing only was certain, that decreased produce brought with it increased rent; and, he believed, it would be found that this system was universally followed by the increase of the jungle. As cultivation decreased the jungle increased, and was inhabited by wild beasts of every description, which almost forbade the residence of men in its vicinity. He believed the people of England were not apprised of the horrible consequences of this total insecurity and absence of all title for the land. He happened to have in his hand a list of the periodical famines in India, calculated from the year 1760 and 1761, the period in which Lord Clive might be said to have established our empire in that country. In the year 1766 there was a famine, another in the year 1777, another in 1780, another in 1782, another in 1792, and another in 1803—thus giving a famine in each cycle of ten years. But let the House mark how they had increased of late years. In the year 1804, there was a famine, in 1819, there was a famine, in 1824 there was a famine, in 1829 there was a famine, in 1832 there was a famine, in 1833 there was a famine, in 1836 there was a famine, and lastly, in 1837 there was a famine, which extended to 1838, existed in 1839, and which it was

doubtful whether it was even now terminated. These increasing periodical famines were also increasing more horribly in extent. During that of 1837 and 1838, it was necessary to employ men to shove the dead bodies into the rapid part of the stream of the Ganges. Nothing could exceed the horror of the scene. The air was polluted—the land covered with carcases—the average destruction was 10,000 per month. He attributed many of those famines to the state of the landed tenure there. He was sure that the East-India Company were not acting wisely or prudently, even in reference to their own revenues. They would obtain infinitely more if they adopted a more liberal policy. He did not mean to say, that the famines to which he had referred were general, and universal over the whole face of our possessions in India. He admitted, that they were most of them local; but in many instances they extended over vast districts, and, as he had stated, were attended with the most horrible consequences. Within the last thirty years, there had been seventeen or eighteen years of famine, during which English sentinels or sepōys were placed along the banks of the rivers to prevent mothers from drowning their infants. A more terrible proof of the extent of the famine could not be offered. He had thought it necessary not to allow the question now before the House to pass over without saying so much on behalf of the people of India. But as regarded the measure itself, he gave it his most cordial support.

Mr. *Hogg* observed, that if a discussion were opened upon the subject to which the hon. and learned Gentleman alluded, it would occupy more time than could be afforded on that occasion. With respect to the permanent tenure, it could not be doubted that the Marquess of Cornwallis established it from the best of motives. But it had not been productive of the good that was expected. Its effect was to constitute the Zemindars absolute proprietors, and to deprive the rest of the population of the rights which they had from time immemorial enjoyed. Though that settlement had some advantages, it was also attended with inconveniences, which induced the Indian government to be cautious in extending it to other parts of the country. He would also observe to the hon. and learned Gentleman that he should not hastily adopt every statement connected with India that might be

found either in the newspapers or in pamphlets. There had been, it was true, local famines in India, but every one acquainted with India must be aware that the assertions of the hon. and learned Gentleman were altogether exaggerated.

Mr. *Hume* looked upon the matter as one of great importance both to England and to India; and would urge his hon. and learned Friend to select a day on which the subject should be brought before the House. He believed, that any one who paid attention to the affairs of India must have heard, with great regret, of the statements made at different meetings respecting the proceedings in that country, and which statements he believed to be in many instances altogether groundless. It was not true that so many famines had taken place in India as his hon. and learned Friend had mentioned. There might have been much distress in certain districts, but such cases could not be considered as general famines. With regard to the creation of the tenure in India, it was a subject of great difficulty, and one which the House might more conveniently discuss at another moment.

Mr. *O'Connell* had been misunderstood by his hon. Friend. He (Mr. O'Connell) had expressly said, he did not believe that these famines had been universal. He had spoken of them as local evils, but still evils of vast magnitude.

Mr. *Ewart* rose, on account of an observation which had fallen from the hon. and learned Gentleman, to the effect that the measure would be of greater benefit to England than to India. Now, from the evidence taken before the committee of last Session, it was manifest that the measure would be very beneficial to India, because, in the manufacture of rum and sugar, they must employ the natives of India. It was the most economical plan to do so. This would be also beneficial to England, because it would increase the market for British manufacture; he thought, therefore, that they must admit that the measure was a great boon to India as well as to England.

Mr. *Goulburn* wished to ask the right hon. Gentleman, the President of the Board of Trade, whether, in this proposed equalization of the duties on East and West India rum, it was intended to reduce the duty on rum imported into Scotland and Ireland to the same amount as the duty paid on rum imported into England. The right hon. Gentleman must

be aware that, as regarded the two former countries, the high duty at present levied amounted to an actual prohibition.

Mr. *Labouchere* replied, that the sole object contemplated by the present bill was to place the rum of the East Indies on precisely the same footing as that on which the rum of the West Indies had previously stood.

Mr. *Goulburn*: And leaving the same prohibition upon the importation of rum into Ireland and Scotland.

Mr. *Labouchere*: That question is not touched by the present bill.

Report received, a Bill founded upon it brought in and read a first time.

[LORD KEANE.] Lord *John Russell* moved the order of the day for the bringing up the report of the Committee on her Majesty's message.

On the motion that the report be agreed to,

Mr. *Hume* said, that as the House had agreed by a large majority to the grant of the pension, he would not oppose the reception of the report, but should support the motion of his hon. Friend in committee. He wished to know whether, before that discussion came on, the noble Lord would object to lay before the House all the correspondence which had taken place between the Government and the court of directors respecting the granting a pension to Lord Keane. He (Mr. *Hume*) understood, that a correspondence had taken place, and that the court of directors had expressed an opinion, that Lord Keane was already amply rewarded. Now, if that were the case, he thought they should either have a copy of their proceedings, or a denial of the fact.

Lord *John Russell* could not produce any correspondence on the subject, and with regard to any communication that might have taken place between the Government and the court of directors, he could only say, that the substance of it was totally different from what the hon. Gentleman seemed to suppose. The directors did not give an opinion to the Government, that Lord Keane had already been amply rewarded, but, on the contrary, they declared, that they thought it most just that an application should be made to Parliament, to confer upon that noble Lord some signal acknowledgment of its sense of the value of his services in India.

Mr. *Hume* said, that the noble Lord

quite misunderstood his question. His question was, whether an application was made to the court of directors to grant a pension, and whether they had refused.

Mr. *Hogg* felt bound to state, that the court of directors, in reply to the application made to them, expressed, in the strongest terms, their opinion of the merits of Lord Keane, and their opinion, as far as it could weigh with her Majesty's Government, was, that Lord Keane was entitled to the pension to himself and his two heirs, in the way in which such grants were usually made to distinguished soldiers, who for their gallantry and skill had been raised to the Peerage. But the court of directors went on to say, not only as a matter of finance, but because they thought it honourable to Lord Keane, that as his services had been recognised by the British Parliament, the pension also should be conferred by the British House of Commons.

Report received.—House adjourned.

HOUSE OF LORDS,

Tuesday, February 16, 1841.

Their Lordships met this morning at eleven o'clock for the Trial of the Earl of Cardigan; it does not appear to the Editor that this trial is properly a subject for report in a work professing to give only the Debates in Parliament, yet as many persons might be disappointed in not finding in such a book a matter of such interest, to which publicity has been given in the same manner as matters of Debate are given, thus distinguishing it from appeal, and other judicial cases, to prevent such disappointment, a perfect report will be given in the Appendix to this volume. After the trial the House adjourned to Friday.

HOUSE OF COMMONS,

Tuesday, February 16, 1841.

MINUTES.] NEW MEMBERS.—Charles Octavius Sommerston Morgan, Esq., for Monmouth; Edmund Antrobus, Esq., for East Surrey.

Bills. Read a first time:—Lord Keane's Annuity; Southwark Improvement.

Petitions presented. By Sir Robert Peel, from the Guardians at Braintree, against the Continuance of the Poor-law Commissioners for ten years.—By Sir R. Inglis, from Bristol, and a place in Bedfordshire, for Church Extension.—By Mr. Colquhoun, from the East-India Association, Glasgow, against the Equalisation of East and West India Duties.—By Lord R. Grosvenor, from Chester, for the Abolition of the Punishment of Death.—By Mr. Hutt, from the Hull and Selby Railway Company, com-

plaining of Taxation.—By Mr. Baines, and Mr. Hindley, from Leeds, and Staley Bridge, to allow the Free Exportation of Machinery.—By Mr. Fox Maule, from Perth, against Patronage in the Church of Scotland.—By Mr. Miles, from some place in Somersetshire, in favour of Church Extension.—By Mr. Hume, from Galway, against Lord Stanley's Registration Bill.

DANISH CLAIMS.] Mr. Cresswell rose pursuant to the notice he had given, to move that—

“This House will upon Tuesday, the 23rd day of this instant February, resolve itself into a committee of the whole House, to consider of the following address to her Majesty, that is to say, that an humble Address be presented to her Majesty, praying that her Majesty will be graciously pleased to take into consideration the Report, bearing date 12th May, 1840, made by the Commissioners to whom it was referred to examine and adjudicate upon the claims of certain British subjects, for losses sustained by the seizure and confiscation of their ships and cargoes by the Government of Denmark in the year 1807, and that her Majesty will be graciously pleased to advance to such claimants the amount of their respective losses as ascertained by the said commissioners, and to assure her Majesty that this House will make good the same.”

The hon. and learned Member briefly alluded to the facts of the case, and to the classes of claimants—those who had ships and goods, and those who had goods ashore and book debts. He had hitherto been opposed by the Government; but he would not then enter into the merits of the question. If, however, he should hear any new arguments urged against the motion, he should use his privilege of replying to them.

Mr. Hutt said, I rise for the purpose of seconding this motion. It has been with feelings of regret that I have for some time observed the right hon. Gentleman the Chancellor of the Exchequer give to this subject the same opposition as his predecessors, and adopt all the *ex parte* considerations by which they were influenced. From the straightforward, manly character of my right hon. Friend, I would have imagined that he would not interpose his authority to prevent the compensation justly due to those claimants. With every feeling of respect, I must say, that I believe the right hon. Gentleman does not understand the merits of this case. When this British property was seized by the Danish Government the British Government had seized upwards of 1,300,000*l.* worth of Danish property, without providing any protection for British merchants. That

property was always represented and understood to be intended as a fund from which compensation should be given to the British merchants who were sufferers by the course pursued by our Government. These persons have constantly since that time down to the present period, pressed their claims. The House of Commons has ordered payment to be made to two classes of claimants—to those who had claims for book debts, and to those who had their goods seized in the ports. Now there is a third party demanding compensation, those who have had their ships and cargoes seized at sea by Danish men of war. I cannot see how the right hon. Gentleman can oppose himself to their application. The judgment of the House has been on two several occasions pronounced in their favour; and I am sure, Sir, that it does not become the character of this House, to do that which would be considered monstrous in a court of justice, to reverse the decision which it has twice pronounced, when there are no new facts by which its judgments can be influenced. I cannot think the House will do so; still less can I think that the right hon. Gentleman the Member for Tamworth, who has ever shown the greatest regard for maintaining the character and consistency of the House, would recommend such a course. For my own part, I must say, that, having advocated those claims for nine years, it is with feelings of indignation I am compelled to come forward on this occasion. A large sum of money was obtained previous to the war at the sacrifice of British property. Surely no one will pretend that the object was to plunder the owners? I hope the House will do them fair and honourable justice. They ought to be paid not only the principal, but I am quite sure that those claimants whose case has been so improperly delayed, ought to receive compensation for that delay. I will not further trouble the House on this occasion; but I will say that this is not a party question. The House has twice declared itself in favour of these claims; and I trust it will not now reverse its decision.

The Chancellor of the Exchequer was sorry, after what the hon. and learned Gentleman had said, to announce that he should not only follow the course of his predecessor upon this question, but was fully prepared to appeal for support and approbation to the House, and even to the country at large. The hon. and learned

Gentleman was a skilful advocate, and he brought to bear upon this question his habitual adroitness. The hon. and learned Gentleman always put this question as between the Chancellor of the Exchequer and the claimants. That was a most adroit way of putting the question certainly; but the real question was, were they justified in calling upon the people of England to pay those claims. Were they justified in taking the money out of the pockets of other people, to put it into the pockets of these respectable persons residing in Liverpool and Hull? From the best consideration he had been able to give the subject, he was of opinion that they had no right to call upon the public to do so. The hon. and learned Gentleman, and the hon. Gentleman who had followed him, had carefully avoided all allusion to that portion of the question. He had alluded to the decision to which the House had already come. He admitted, that the hon. and learned Gentleman had had one decision in his favour; but the first decision which had been come to, and been come to by the very Parliament which had directed the other classes of claims to be paid, had been against the claims which the hon. and learned Gentleman was then advocating. In accordance with the expressed opinion of the reformed House of Commons Lord Spencer had given way, and admitted the claims of the two first classes of claimants, which claims had been paid. The very claims which the hon. and learned Gentleman was now advocating had been submitted to that House, and it had refused to admit them. It was remarkable also, that Sir James Mackintosh, who was the first to bring the subject of the Danish claims before Parliament, had in his speech on that occasion only alluded to those claims which had since been settled. Those were the only claims which he thought the country called on to pay. In that speech Sir J. Mackintosh had stated, that there were certain acts which the Danish government had committed contrary to the laws of war and the laws of nations; by those acts British subjects had suffered wrong. The English Government, at the making of peace, had a right to call upon the Danish government for compensation for these wrongs. It had, however, neglected for some reason or other to do so, and the right hon. Gentleman had argued, that in consequence of having thus neglected its

duty, which was to enforce these claims as against the Danish government, it had taken upon itself the duty of compensating the English subjects, who ought to have been compensated by the Danish government. That the claims now brought forward by the learned Gentleman had never entered into the contemplation of Sir James Mackintosh, appeared still more clearly from the calculations which he had made on the subject. On that occasion, Sir James Mackintosh had stated, that the outstanding claims amounted to about 200,000*l.*, but that they had been reduced by various circumstances to about 100,000*l.* Now the Government had already paid 284,000*l.* on account of those claims, and here was another class of claims now brought forward, amounting to an additional quarter of a million. It was obvious that there was a great distinction between these claims and those which had already been paid. Denmark was bound to pay the other classes of claimants; she might have been compelled to pay them; but there was no doubt, that according to the laws of war and the laws of nations, Denmark was perfectly justified in confiscating the property in question. She was perfectly justified in making this seizure; consequently no claim could be brought against Denmark, and no claim could be made against her for compensation. The grounds on which the former claims had been voted did not exist in the present instance. It was stated, that we having received a large sum of money for seizures taken from Denmark were bound to give compensation to these claimants. He knew not on what ground the hon. and learned Gentleman assumed that they were in possession of that sum of money. As far as he could ascertain, after the expenses of the captors and of adjudication had been liquidated, and the other expenses had been paid, the sum remaining had, if not the whole, at least, by far the larger portion of it, had been already paid for those Danish claims which Parliament had already voted. The payment of those claims had, as nearly as possible, eaten up the whole of the money received as the produce of those seizures. The hon. and learned Gentleman had contended, that those claims ought to be satisfied out of the droits of the Crown, but as he had before stated, the hon. and learned Gentleman was mistaken, if he supposed that, after paying the expenses of the captors and

the payment of the claims already liquidated, there was any surplus remaining. [Mr. *Cresswell* expressed his dissent.] He could assure the hon. and learned Gentleman, that after paying captions, and expenses, and other claims, it would be found that there was scarcely any surplus remaining, certainly nothing like the amount of 100,000*l.*, or 200,000*l.*, as the hon. Gentleman seemed to imagine. He admitted, that if the claim were founded on justice the amount of the claim ought not to be taken into account. But if there were Gentlemen there, who were under the influence of that active canvass which he knew had been carried on, he warned them that the case was not a trifling one, and that which happened once might happen again. He thought it necessary to caution them, that they would not be voting a quarter of a million, but a million in full. There were five cases of the same nature, in which he believed similar claims would be put forward, and he would tell them, that they knew not what might happen if they once opened their doors to such applications. It was supposed, that the Danish claimants were the only claimants of the kind; but if the House should grant the motion of the hon. and learned Gentleman they would have similar claims submitted to them by those whose property had been seized by the Spanish Governments for the amount of 60,600*l.* The more they admitted such a principle, the more would parties endeavour to avail themselves of it. If they let in one end of the wedge the rest would be sure to follow, and they would find, that the annual expense in meeting such claims would form a very large item in the public expenditure. The hon. and learned Gentleman had urged the claim then under their consideration, at a very unusual time—before they had voted any of the supplies on the estimates for the army, the navy, or other public expenses. But let them look to the nature of the claim itself. He found, that there were out of the million about 55,000*l.* paid to Insurance offices. Now he (the Chancellor of the Exchequer) did not see why the underwriters should come and recompense themselves out of the taxes of the country, which they were to put into their own pockets, because they must have been remunerated in other ways for the risk they had run. But why did not the underwriters pay the parties? If they received high premiums for the risks of war,

they were liable to the payment. The risk they ran was one which they willingly incurred, and they ought not to look to the nation for the money which they lost. He did not think he need detain the House any further, but he would again state to the House, that if they consented to pass that vote they would agree to a resolution which included a large sum of money to parties who had already received a quarter of a million, and they would at the same time agree to a principle the extent and termination of which no man in that House could determine.

Sir *Walter James* hoped, that in taking the subject into consideration they would argue it on its own merits, and would not be misled by those arguments foreign to the question, which the right hon. Gentleman, the Chancellor of the Exchequer, had introduced in his speech. The right hon. Gentleman stated, that the amount of these claims was extremely large, and so endeavoured to make an impression on the House. These claims had undergone a most rigorous investigation, and the House would perhaps be surprised to hear, that the amount of the debts amounted to no more than 225,000*l.* Perhaps it might be urged, that the time for bringing forward the motion was not well chosen, inasmuch as a large deficiency had been experienced in the public revenue for the last two or three years. But he would submit to the House, that that was no reason whatever for rejecting claims, founded substantially on justice and on equity. The right hon. Gentleman said, that the payments which had been made into the Treasury, and the money seized, were entirely eaten up by the sums paid to former claimants. But it should be remembered, that the country would have been obliged to have gone to other purses if it had not received a large sum from the Danish government. The right hon. Gentleman had said, that the period chosen for the motion was an extremely inconvenient one, and that it was really too bad that it should be brought forward before any of the public estimates were voted. He could not help complimenting his hon. Friend on the period at which he had thought proper to bring forward this motion. It was an excellent opportunity for the House to put in practice the maxim—"Be just before you are generous,"—to practise that economy it was ever so ready to profess. It appeared to him, that these parties had an unanswerable claim upon

the House on account of the two votes they had come to last year; on the 24th May, 1838, and 18th June, 1839. Let the House only consider the expense to which they had put these parties. They had been put to all the expense of investigation, and it would be hard if this measure, which had proved the justice of their claims, was to be made only an aggravation of injustice. He hoped the House would support his hon. Friend's motion, because he was satisfied of the justice of the claim itself, and because he thought, that it would be consistent with the honour, dignity, and character of the House, having admitted the principle, not to recede from carrying it into effect.

Mr. *Hawes* confessed his opinion was precisely the same as the hon. Gentleman's. He also had constituents who were interested in this question, and he should vote for the payment of these claims, because they were just. He was not at all intimidated by the prospect of being called to account at some future day to which the right hon. Gentleman had alluded, and which remark he thought had been improperly thrown out, to disturb their judgment. There were three classes of claimants, two of whom had been paid—those which were founded on book debts, and those which were founded on property on shore had been paid. The only property respecting the claim of which there could be any doubt by the law of nations, was that which the right hon. Gentleman hesitated to pay. He asked him to point out any difference whatever between these classes. He had listened attentively to hear of any difference, and had heard of none. He had heard nothing laid down in justice or principle, to deter him from giving his vote in favour of these claims. It had been twice argued, and on a former occasion means had been resorted to to postpone its payment, which he did not think consistent with the honour of any Government. When, on the 24th May, 1838, a motion for this purpose was carried by a majority of thirty-four, instead of complying with the vote, the Chancellor of the Exchequer directed the amount of the claim should be scheduled, but not examined. Now, the House had then heard the whole claim argued, and had come to a decision upon it, and he had yet to learn the propriety of any Minister afterwards opposing the payment. If there had been any doubt upon the subject, the Chan-

cellor of the Exchequer would have been right in opposing the claim to the utmost. Two classes out of the three had been satisfied by the Government, and he should undoubtedly continue to vote for the payment of the other.

Alderman *Thompson*, said, with respect to insurance offices, when they insured property they received premiums according to the risk which they ran. He would join issue with the right hon. Gentleman opposite as to the very grounds on which these claims were opposed—because those ships' cargoes were insured, the claim ought to be refused. Now four or five times the amount of premium would have been charged had the case which took place been contemplated, and therefore the right hon. Gentleman's argument would not stand. He conceived, that when the House, by a majority of three to one, in the year 1839, directed that the commissioner should proceed and adjudicate on the claims, it substantially decided, that those claims ought to be paid, and were just. The right hon. Gentleman ought not to represent this as a question between the House of Commons and the merchants of Liverpool. It was a question that concerned all the traders of the kingdom. The question to be decided was, whether the merchants and shipowners of England should have justice done to them by the payment of 250,000*l.* or not. He would certainly give his most strenuous support to the measure.

Mr. *O'Connell* was fully convinced, that the claim was a just one, and ought to be paid. Indeed, the case was a good deal stronger than the learned Alderman had put it, because, in the first place, the insurers never could have contemplated the risk, although the general words of the policy covered that defect. He really was surprised at the opposition that had been given to the motion. For a number of years the entire claims were contested, and then a part was conceded, on the ground that the seizure of debts was against all international law—the seizure of goods on shore was resisted in like manner; but the House decided, that the Government ought to pay them, and did make it pay them. Now, in the present case, the shippers of cargoes were informed at the Admiralty, that no war whatever was in contemplation against Denmark, and it might be said, that the Government actually induced them to send out their cargoes, and yet that claim,

in spite of the repeated decisions of Parliament, the Government now resisted. Economy was certainly an excellent virtue in a Government, and one which ought to be in all cases practised, but common honesty was superior to economy and ought to be the rule of conduct. It was said there was no war whatever with Denmark, but there was something very like it in practice, and something very advantageous to those who got the Droits of the Admiralty, to the amount of 1,300,000*l.* and out of which ample compensation might be made to the merchants whom they deceived into sending out their cargoes. The Government had thought fit to make a present of the Droits of the Admiralty for the purpose of making improvements at Windsor. It deceived the British merchants when they sent out their cargoes, and now, in spite of the repeated decisions of the House, the Government refused these parties redress. He hoped, however, that the vote of that night would put an end to the matter.

Mr. *Ingham* considered that the objections of the right hon. Gentleman did not apply to the case before them. The House had on two occasions solemnly sanctioned the motion of his hon. and learned Friend, and it was shameful now if they had not the moral courage to put the parties in the way of getting satisfaction for their claims. The right hon. Gentleman did not deny, that the decision of the House had been in their favour, but his objection was, that he himself had taken a different view of the case. He thought it most unjust in the right hon. Gentleman to withhold his assistance from the parties in obtaining their money. The right hon. Gentleman had relied upon the first division, in 1836, when the majority was against the claims; but the right hon. Gentleman did not state what the amount of the majority was, or what were the numbers in the House. He knew that discussion had taken place at the close of the Session, when there were not one hundred Members in town—and when the majority did not exceed eight. Now it was perfectly well known that the greater number of the Members attending the House at the close of the Session were the friends of Ministers, and it was therefore impossible to suppose, that such a decision would at all weigh against the decisions which the House had twice come to since. On those

grounds he would give his strenuous support to the motion of the hon. and learned Member.

Mr. *Goulburn* did not hesitate to say, that his opinion on the subject remained unchanged. He was quite ready to admit, that the hon. Gentleman who had just sat down was equally entitled to hold his former opinions on the subject, and might very properly abide by that decision to which the House had already come. He was not influenced in his opinion by the amount of the demand if the claim were a just one, and if it would not be attended with fatal consequences he would at once say to the Government pay it; but his ground was, that if they made that particular payment there never would be a war hereafter, or those circumstances which led ultimately to a war, which would not ultimately involve them in claims which it was impossible to calculate, because it was impossible to calculate the activity of the enemy's cruisers against merchant vessels. It was no uncommon case that an embargo was laid on, and in particular circumstances that step might be followed by a war, and if in such cases were they to make allowance to the underwriters, or those who insured in consequence of the warlike measures taken by the country, there would be no end to the expenses they would be called upon to defray. He thought such a step would strike at the best energies of the country, and he should therefore give his vote against the hon. and learned Gentleman's motion.

Mr. *Andrew White* said, the notion of the right hon. the Chancellor of the Exchequer was, that if these claims were admitted, other similar ones would be brought forward on future occasions; but he contended that every claim should stand upon its own foundation, and he believed that the present one was founded in justice, for it ought to be recollected, that when the expedition was sent out in 1807 against Denmark, the country understood we were in a state of profound peace with that power, and therefore quite unprepared.

Sir *C. Grey* said, in voting as he intended for the present motion, he wished to guard himself from being supposed as pledged hereafter to vote for compensation to private individuals in case of losses consequent upon war. The facts of the present case were special, and as such he considered himself at liberty to pursue the course he then followed. The claims made

in this instance were of a threefold nature. They were as follow; claims in respect of the confiscation of debts; claims in respect of the confiscation of property on shore; and claims in respect of the confiscation of ships and cargoes, including the charges of insurance and freight. It had been allowed, that according to the law of nations, Denmark had not been entitled to confiscate the property on shore, nor the debts, nor such goods as were in their own warehouses. And if that was the case, the British Government was called upon to demand from Denmark such compensation as would satisfy the loss. Then, if this Government had neglected to do this, they were liable to be asked by the sufferers to make them that compensation which they required. The hostile movements which had led to the state of things that produced this conduct on the part of Denmark had been different from the origin of most wars. This had not commenced in an embargo being laid upon any Danish vessel or subject, but had been caused by the fact of England's receiving intelligence of the intention of a powerful enemy of her's to seize the Danish fleet, with a view of turning it against this country. Under these circumstances the Danish fleet was seized by England. Acting under the very natural, however they might be hasty, feelings caused by this seizure, and not aware that the intelligence the English Government had received with respect to the intention of her enemy, was correct, which had been subsequently proved, Denmark had declared war against this country; and these circumstances might have justified the Crown in appropriating to the uses of the revenue the money derived from the seizure of the fleet. Then if that money had been so applied, it appeared to him tolerably clear and just, that those who suffered in consequence of the retaliation of Denmark should be compensated, and more especially if they considered the particular circumstances of the country. If those claims had been made before the money in question had been spent, he apprehended there could be no possible objection to allow them. In voting then for the present motion upon its own particular merits, he trusted he had satisfied the House that he did not therefore hold himself bound to vote for future claims for compensation for injuries which might be the inevitable result of war.

Lord John Russell did not deny what

had been stated by his hon. Friend, the Member for Lambeth, that there was a great difference between the case now before the House, and those other two in which compensation had been given. But he thought his hon. Friend had signally failed in making out a reason for voting for this motion. The hon. Gentleman had said that, with respect to the book debts and the goods seized on shore, these did not come under the class of ordinary seizures in time of war; and that the Government had therefore either of two courses to choose—either to call on Denmark to make reparation, or to do so itself. But his hon. Friend admitted that the present case was different from those. This was a case of ordinary capture in time of war. It had been stated by the hon. Alderman, the Member for Sunderland, and the hon. Member for Hull, that in all cases like the present, when the Government had not made a public declaration of war, or given notice to the insurers, of the approach of war, the public ought to make compensation for losses. Could anything be more dangerous than this? There might be a great expedition preparing in the ports of another country to invade this; and it might be necessary to take steps to prevent the invasion. Would it be contended that the Government was to give notice of the preparations which it thought necessary to make, for intercepting the armament before it reached our shores? It was said, that the sum now claimed was a very moderate one—no doubt it was so, but if they consented to pay one quarter of a million they would be setting a precedent which would entail upon them claims to a much greater extent. It was said by the hon. Baronet that Denmark was much irritated—no doubt she was, and he thought she had much reason to be so. Her capital had been bombarded—she was a great sufferer, so that, in fact, she was very naturally much irritated, and he (Lord John Russell) did not think it was either rashness or showed any want of prudence in her going to war with the country which had done her so much damage. His hon. Friend said, they would be perfectly safe in paying the present claims, because they would never again meet with such a case. He could tell his hon. Friend he was much mistaken, for we might yet be thrown into war with other countries, and if the House allowed themselves to be bound to refund anything but that which was lost by anything done

against the law of nations, or the rules of just war, they would open a door to most extravagant claims—if they acknowledged the present claims, they would go much beyond anything which had ever been done before. He felt bound to go much further, and say, that they were not bound to indemnify any particular classes. If it was necessary, for the security of this country—of the whole community—if they should in certain cases be obliged to step out of the usual usages of war, the whole community had the benefit of the act—the shipowners of Hull, Sunderland, and Liverpool, had the benefit of it, and they had no right to come forward as individual claimants, and say they had the benefit of the general protection of their country, but their country could not vindicate its honour without their claiming to the very last farthing for any losses sustained by them in consequence of a due prosecution of a necessary war, and one carried on strictly according to the law of nations. If the House of Commons persisted in acknowledging such claims as those now brought forward by the hon. and learned Gentleman, they would recognise claims for which no precedent was to be found in past history; but if the motion of the hon. and learned Gentleman were to be agreed to, many would be found in our future history.

Mr. *Cresswell*, notwithstanding what had been said by the right hon. Gentleman, the Chancellor of the Exchequer, was sure the House would go along with him in saying that there was nothing improper in the feeling which had brought him forward. Unless he had been urged to it by his constituents, he would never have brought before the House a question of that nature, and he trusted that hon. Gentlemen would think that he was justified in speaking on behalf of certain firms in Liverpool. The right hon. Gentleman, like many other persons who had disagreeable things to encounter, was never pleased with the time which was chosen for this discussion. If he (Mr. *Cresswell*) came late in the Session all imaginable objections were made; he was told that there was no money for him, and that he should not have delayed his motion to so late a period. If he came early, he was met with the objection that there was no money in the Exchequer, and asked why he had come so soon. Now, he thought the best plan was, to bring it forward at an early period

of the Session, when he could expect a full House, and he hoped the right hon. Gentleman would be satisfied with the numbers on that occasion. His (Mr. *Cresswell*'s) opinion upon this subject was still that which he had expressed when he first brought the subject before the House. He for one, could never understand that they had any right to call upon Denmark to make compensation for the book debts and the goods on shore. He never could understand what pretence they had for such demands. Was there any complaint against Denmark? Had she committed any wrong against this country? Had we asked for redress for any wrong or injury which we had suffered? No. But, notwithstanding we had no such complaints to make, they had laid an embargo upon the ships of that country; we had sent out cruizers to capture her vessels wherever they could find them; we had sent out powerful armaments to slaughter her subjects and to seize her fleet; and it was now said, because the Danes had in turn taken the property of some of our ship-owners and merchants, that these must receive no compensation, that the Danish government was justified in taking it, and the owners must put up with the loss. But this was not a case of war. He totally denied that it was a case of war, and he hoped that this would never be made a precedent for other cases; that the country would never be in the same straits again, and therefore, would not be induced to resort to similar practices. What was their own statement to the Danes, at the time that this expedition was undertaken? What was the proclamation made? Why, that they came to their shores not as enemies, but in the way of self defence. Was there any war at that time? Was it consistent with the notion of a state of war? If it was a state of war, and it took place according to the ordinary usages of nations, why was that State Paper put forward in 1837 to justify these proceedings? Did the Government attempt to justify its proceedings upon the ground of war? No such thing. He trusted, therefore, that under all the circumstances, the House would vote, as it had voted, for the compensation of the Danish claimants.

The House divided: Ayes 127; Noes 96: Majority 31.

List of the Ayes.

Aglionby, H. A.

Antrobus, E.

Archdall, M.	Knatchbull, right hon.	Baillie, H. J.	Marshall, W.
Bailey, J.	Sir E.	Baines, E.	Maule, hon. F.
Baillie, Col.	Knight, H. G.	Baring, rt. hon. T. F.	Morpeth, Viscount
Bainbridge, E. T.	Langdale, hon. C.	Bellew, R. M.	Muskett, G. A.
Barnard, E. G.	Lascelles, hon. W. S.	Benett, John	Nicholl, J.
Bell, M.	Leader, J. T.	Bernal, Ralph	O'Ferrall, R. M.
Bentinck, Lord G.	Liddell, hon. H. T.	Bewes, T.	Paget, F.
Boldero, H. G.	Litton, E.	Bodkin, J. J.	Palmerston, Visct.
Bolling, W.	Lockhart, A. M.	Bridgeman, H.	Parker, M.
Bramston, T. W.	Lowther, J. H.	Brotherton, J.	Parker, R. T.
Broadley, H.	Mackenzie, T.	Busfeild, W.	Parnell, rt. hon. Sir H.
Bruges, W. H. L.	Mackenzie, W. F.	Chalmers, P.	Pattison, J.
Buller, Sir J. Y.	Maclean, D.	Chetwynd, Major	Peel, rt. hon. Sir R.
Burr, H.	Martin, J.	Chichester, Sir B.	Redington, T. N.
Canning, rt. hon. Sir S.	Mathew, G. B.	Clements, H. J.	Rich, H.
Chapman, A.	Molesworth, Sir W.	Clive, E. B.	Russell, Lord J.
Chute, W. L. W.	Morgan, O.	Corbally, M. E.	Rutherford, rt. hon. A.
Cochrane, Sir T. J.	Muntz, G. F.	Cowper, hon. W. F.	Seymour, Lord
Colquhoun, J. C.	Neeld, J.	Currie, R.	Sheil, rt. hon. R. L.
Coote, Sir C. H.	O'Connell, D.	Dennistoun, J.	Smith, G. R.
Craig, W. G.	O'Connell, M. J.	Divett, E.	Smith, R. V.
D'Israeli, B.	O'Connor, Don	Egerton, W. T.	Somers, J. P.
Douglas, Sir C. E.	Ord, W.	Ellice, rt. hon. E.	Stanley, Lord
Dunbar, G.	Ossulston, Lord	Ferguson, Sir R. A.	Stanley, hon. W. O.
Duncombe, T.	Pakington, J. S.	Fitzalan, Lord	Stansfield, W. R. C.
Duncombe, hon. W.	Philips, M.	Fitzroy, Lord C.	Steuart, R.
Easthope, J.	Pigot, R.	Fremantle, Sir T.	Stock, Mr. Serg.
Egerton, Lord F.	Plumptre, J. P.	Gladstone, W. E.	Strutt, E.
Eliot, Lord	Praed, W. T.	Gordon, R.	Surrey, Earl of
Ellice, E.	Pryme, G.	Goulburn, rt. hn. H.	Tancred, H. W.
Ewart, W.	Reid, Sir J. R.	Graham, rt. hon. Sir J.	Thornely, T.
Feilden, W.	Richards, R.	Grant, Sir A. C.	Townley, R. G.
Fielden, J.	Rushbrooke, Col.	Grey, rt. hon. Sir G.	Trotter, J.
Ferguson, Col.	Rushout, G.	Hardinge, rt. hn. Sir H.	Troubridge, Sir E. T.
Filmer, Sir E.	Salwey, Colonel	Hastie, A.	Turner, E.
Fox, S. L.	Sandon, Viscount	Hawkins, J. II.	Vivian, Major C.
Freshfield, J. W.	Scarlett, hon. J. Y.	Hobhouse, rt. hon. Sir J.	Vivian, rt. hon. Sir R. H.
Gladstone, J. N.	Scholefield, J.	Hobhouse, T. B.	Wall, C. B.
Grey, rt. hon. Sir C.	Serpe, G. P.	Horsman, E.	Wilbraham, G.
Grimsditch, T.	Shaw, rt. hon. F.	Hoskins, K.	Wood, C.
Hamilton, Lord C.	Sheppard, T.	Howard, hn. C. W. G.	Worsley, Lord
Harland, W. C.	Sibthorp, Colonel	Howick, Viscount	Wrightson, W. B.
Hawes, B.	Stanley, E.	Labouchere, rt. hon. H.	Wyse, T.
Hepburn, Sir T. B.	Stuart, Lord J.	Lister, E. C.	Yates, J. A.
Hindley, C.	Stuart, W. V.	Listowel, Earl of	Young, Sir W.
Hodgson, R.	Strickland, Sir G.	Macaulay, rt. hn. T. B.	TELLERS.
Hogg, J. W.	Style, Sir C.	Macnamara, Major	Stanley, hon. E. J.
Holmes, W.	Tennent, J. E.	M'Taggart, J.	Tufnell, H.
Hope, hon. C.	Thesiger, F.		
Hope, G. W.	Thompson, Mr. Ald.		
Hotham, Lord	Trench, Sir F.		
Houstoun, G.	Verner, Colonel		
Hume, J.	Vivian, J. E.		
Humphrey, J.	Waddington, H. S.		
Ingham, R.	Wallace, R.		
Inglis, Sir R. H.	Warburton, H.		
Irton, S.	White, A.		
Jackson, Mr. Serg.	Williams, W.		
James, Sir W. C.	Wilshire, W.		
Jones, J.	Wodehouse, E.		
Jones, Capt.	Wood, B.		
Kelly, F.			
Kemble, H.	TELLERS.		
Kelburne, Viscount	Cresswell, C.		
Kirk, P.	Hutt, W.		

List of the NOES.

Ainsworth, P.

Alston, R.

EXECUTION OF CRIMINALS.] Mr. Rich: I should be unwilling to trespass upon the time of the House in asking leave to bring in a bill for the better ordering of the execution of criminals; but since it is a subject which has, I believe, never been discussed within these walls beyond a short conversation in committee, in May, 1837, on the Punishment of Death Bill, I am desirous, by some short explanation of the principles and plans of my bill, to prevent any misapprehensions or misrepresentations as to the nature of the change I am about to propose: and I am at least as anxious to hear the objections and opinions of hon. Gentlemen, in order that I

may as far as possible obviate or profit by them in the filling up of the clauses, should the House grant me permission to introduce my bill. For myself, Sir, I can safely declare that I am actuated in undertaking this measure by no motive in the world but an earnest desire to do away with what appears to me to be a barbarous and pernicious practice; and happily this is a subject which can by no possible ingenuity be converted into a party question; and for once therefore we may meet, in the common cause of humanity, upon neutral ground, and be the better for it. I confide the question therefore entirely to the general good feeling of the House, and propose it unprompted and unsupported by any one special interest, section, or party: I do not even connect it with the nearly related questions now so frequently discussed respecting the mitigation of our code, or the abolition of the punishment of death. I leave it to stand upon its own plain practical grounds of seeking to provide a formal, reverent, and sufficiently public and authentic method of conducting the execution of criminals, instead of our present practice of making an exhibition of such executions; for hitherto all our executions have partaken more or less of the character of exhibitions—spectacles! and it is against this exhibitionary character, this notion of making a spectacle of an execution, that I endeavour to raise my voice, and enlist the concurrence of the House. But, before proceeding one step further, I beg leave to declare most explicitly, that I have no intention whatever of proposing private, and much less secret executions, or of withdrawing the strict eye of public observation from their proceedings. I know full well the benefit of publicity on almost all occasions, and most especially on those which regard the administration of justice and its penal execution, not to have studied most carefully, by various provisions, to guard against and satisfy that jealousy which the public so wisely entertain of all that has a tendency to mystery or secrecy in these matters. I trust, therefore, I shall not be misunderstood or misrepresented on this point; and I am the more anxious to be clear on this head since I have read the few remarks which the right hon. Baronet the Member for Tamworth made on this part of my subject, when it was incidentally raised by the hon. Member for London: for, bearing as he did the strongest testimony

against our present mode of conducting executions declaring:—

“That it does appear that more evils actually result from public executions than could occur from any other other mode of proceeding in these cases.”

He rests his objections to the plan imputed rather than assented to by the hon. Member for London upon its being “private,” saying:—

“I think there would be great difficulty in, and very serious obstacles to, inflicting punishments of this extreme kind in private. I think such a practice would be very apt to revolt the public mind, and excite in private quarters the most rankling suspicions and the most distressing feelings.”

Now, Sir, my endeavour has been to contend with these difficulties and obstacles, and to render executions decorous, while I continue them public—that is, sufficiently public to prevent those “rankling suspicions and distressing feelings” which the right hon. Gentleman so properly respects. And if he finds that I have, in any degree, succeeded, I hope to have the benefit of his great talents and great experience in perfecting that which I shall have feebly commenced. But, Sir, while the right hon. Baronet bears this manly testimony against the mischiefs of our present system, I find others taking the old one, and upholding our present executions as a support to the good, and a terror to the bad—as “having the effect of instilling into the minds of those who witness them a salutary horror of crime and a respect for the laws.” Now, Sir, I protest against this assertion. I verily believe, that the public exhibition of punishment by human suffering and death neither does, nor ever has produced this salutary effect. That, on the contrary, it hardens where it means to reform, and is both the cause and effect of crime. All experience is against it. In all the countries of Europe, Turkey included, where executions are most savage, and death brought most closely home to the eyes of the people, there they are the most savage, and human life and human laws the least respected. It would be tedious and invidious to particularize. The converse is also true. Or, to come nearer home, what has been the course of civilization and executions in England? Why, as the light of the one has advanced, the savageness of the other has receded. I need only appeal to the historical recollections of every one present whether such has not been the fact?

Compare our present laws and executions with those of the latter Tudors, when exhibitions, I may say forests of gibbets, and the most savage tortures were the approved means of making men honest, as Smithfield fires were of keeping them religious. Shall we be told, these are all enormities of by-gone days, and that every one repudiates them now, when we have at length reduced executions to that perfect state in which they impress those who witness them with a salutary horror of crime, and respect for the law; in which, in fact, all the benefits of publicity are retained without any of its barbarities? This is, indeed, a flattering unctio, and I would it were genuine; but it is nothing more than the common threadbare objection to all improvement. True, indeed, we have got rid of the practice, although not of the law for hanging in chains, and of cart and coffin processions to Tyburn; we have got rid of the practice, though not of the law, for drawing on hurdles, which was itself a mitigation of the older custom of drawing over the bare ground and of embowelling dead or alive. Mutilating, torturing, burning, are now abolished; though this last, as respected women, lived on to the reign of George 3rd. All these have passed away, and are remembered now only to be repudiated. So far so good; but much yet remains to be done. Nothing so easy as to repudiate the abuses of former days; nothing more difficult than to acknowledge and root out those of our own. Why, Sir, every one of the successive courses of barbarity which I have just enumerated, found defenders in their several days. Conscientious men who (torture no longer being the vogue) could denounce the rack, and in the same breath declare Charles 2nd's head would not be safe on his shoulders, should the living entrails of regicides, like Harrison's, not be torn out and burnt before his dying face—dying, and not dead, mark you—for Ludlow tells us he actually rose up under the torture. This generation passes away, and another arises. Liberal supporters of the House of Hanover, who could heartily denounce those enormities inflicted on the regicides, and yet in 1745 could find no security for the Hanoverian dynasty without planting the heads of the wretched jacobite rebels on Temple Bar, to give loyalty to the citizens; or preserving others in spirits to pack up and despatch for like edifying

exhibitions at Manchester and elsewhere. Men who could find no safety for husbands without burning their wives alive (as in the case of Catherine Hayes, in 1726) for murdering them, or of Anne Bedingfield, dragged on a hurdle and burnt, but not alive, so late as 1763. Men who committed crime were checked and chastised by processions to Tyburn, whose abominations Mandeville and Hogarth have immortalised. And now all hon. Gentleman can fully perceive these barbarous errors of their predecessors. Even later still, hon. Gentlemen have seen their contemporaries defend—if they themselves have not defended—the whipping of women in prisons, or of men at cart-tails—the pillory—the practice of hanging in chains—the revolting procession and ceremony of huddling a *felo de se* into a hole on the highway, and driving a stake through his body. Hon. Gentlemen who have heard these things defended can, now that they are passed away, see and deplore their barbarous inutility, and worse than inutility. And what, pray, is the inference from all this? That we have at length arrived at perfection? That our present exhibition of an execution, or Frost's sentence, for instance, that they should be drawn on a hurdle to the place of execution, that they should there be hanged by the neck until they were dead, and that afterwards the head of each should be severed from his body, and the body of each divided into four quarters, to be disposed of as her Majesty should deem fit. Are these, forsooth, symptoms of perfection? No, forsooth; the only way of viewing this gradual abandonment of terror which I have been endeavouring to trace (and in the word terror I include the suffering of the criminal and its exhibition to the public) is, that if it has been foiled and been abandoned in its extreme rigour—if it has failed, likewise, and been abandoned in each of its successive gradations of diminishing terror, each succeeding generation confirming, by experience and by further mitigation, the mitigations of its predecessor—then surely the only fair, rational, and common sense deduction is, that this terror, this exhibition of terror, is erroneous not in degree, but in principle and application. But hon. Gentlemen may say this is all very well, but after all it is but a deduction, and that practically our executions work well; that they support the good and affright the

bad. Now, what say facts and experience to this? I state my facts against any they can bring, and pray, are the good thus supported, the bad thus affrighted? Who, pray, are the good that ever attend these executions? Who are the considerate parents that send their children to them as to a school of moral instruction? Who are the wise masters that send thither their apprentices to learn wisdom and gentleness from the gallows and its followers? Who, indeed, are the persons of any pretensions whatever to respectability, who, being convicted of having witnessed one of these exhibitions, do not forthwith feel it necessary to make some excuse for having done so? The good, then, do not attend, or attend not for their profit. But although they do not actually attend, perhaps it is meant that they are there in thought, and that the idea of a public execution gives a reality and publication to the law which is most useful. Sir, surely this is a mere refinement; the sentiment of the efficaciousness and sovereignty of the law resides not in the harsh exhibition of an execution, but in the substantial fact of the execution itself. Will any man say that the wayfaring man, the lone widow, or any, the most timid person in the wide world, will rest or travel one iota the less free from fears of felons because they may have seen one hanged in the morning, or read in the evening of some great hanging exhibition; with all the newspaper reports, making a fustian hero of some Thurtell scoundrel, blazoning forth his atrocious crimes, and dwelling with mawkish sentimentality upon his exemplary piety, or heroic fortitude on the scaffold? Will these tend more to deter or captivate the bad—to support or alarm the good and conciliate public respect for the law, than a formal announcement in the *Gazette*, that such and such a criminal was duly executed in such and such a gaol before a certain number of witnesses in pursuance of his sentence, for having committed such and such a felony? But then perhaps the exhibitions support the good by affrighting the bad. I doubt this: when do they affright them, how do they affright them, and where? Did they affright when, as of old, they were infinitely more savage? If they did, why are they abandoned? And if they did not, what presumption is there that they will now? And where do they affright them? At the executions themselves? If so, why

do they attend? And yet it is notorious that the worst thieves and felons and their associates are the most constant attendants of these executions. Surely if they were awed by them, they would not attend: nothing is easier, or perhaps safer, for many of them than to keep away. But no; they are drawn thither by a certain fascination or attraction for scenes of blood, or strong excitement. It is a holiday to them: they come to see their late associate die, as they call it, manfully, and to learn how to die in like manner themselves. There is not a spark of contrition or awe about them. Fielding, than whom few persons (as his admirable writings testify) better understood human nature, and (more especially from his situation as a magistrate) that class we are now contemplating, thought so too. In his treatise on the Increase of Robbers, he attributes it, amongst other causes, to our public executions. After disposing of the shame which the criminal is supposed to entertain, and which he asserts is more frequently in his distorted notions of pride, and in those of the crowd, pity, he says,

“His procession to Tyburn, and his last moments there, are all triumphant; attended with the compassion of the meek and tender-hearted, and with the applause, admiration, and envy of all the bold and hardened. His behaviour in his present condition, not the crimes, how atrocious soever which brought him to it, is the subject of contemplation; and if he hath sense enough to temper his boldness with any degree of decency, his death is spoken of by many with honour, and by all with approbation. How far, (he adds) such an example is from being an object of terror, especially to those for whose use it is principally intended, I leave to the consideration of every rational man; whether such examples as I have described are proper to be exhibited, must be submitted to our superiors.”

And he then proposes executions within the prisons, before high judicial authorities and a restricted number of other persons, as a means of preventing crime. Hogarth, too, in his “Thief’s Progress,” leads his idle apprentice, whom he is conducting step by step to the gallows, to the contemplation of—what? an associate hanging in chains. The Rev. Mr. Cotton, late ordinary of Newgate, in his examination before the Committee of Criminal Laws, says respecting the younger thieves,

“I think it a shock and a horror at the moment upon the inexperienced and young; but immediately the scene is closed, there is a forgetfulness altogether of it; but upon the

old and inexperienced thief it makes no real or serious impression. I have had occasion to go into the press-yard within an hour and a half after an execution, and I have found them amusing themselves, playing at ball or marbles, and appearing precisely as if nothing had happened."

And for the bystanders,

"That it makes very little impression on the public. They appear to me to come to it as to a spectacle. and go away thinking no more about it, without some very extraordinary case or very particular crime occur; and generally, I am completely of opinion that it has not any effect by way of example. It seems to take away and blunt abhorrence against the crime, in pity and compassion for the sufferer."

Mr. Mainwaring, a magistrate for Middlesex, gives, as an instance of the effect of executions

"Three persons were brought before me for uttering forged notes. During the investigation I discovered that these notes were obtained from a room in which the body of a person named Wheller (executed on the preceding day for uttering) then laid, and the notes in question were delivered for circulation by a woman with whom he had been living."

Mr. W. A. Brown entertains the same opinion:—

"I can hardly think it can have any moral effect, or make any advantageous impression upon the minds of persons attending these executions, when they will, even under the gallows, be often engaged in picking pockets. I apprehend that many of those who attend executions are of the most depraved and abandoned character. At some executions (he says), the people show approbation, at others there has been a cry of 'Shame, shame!' and in one instance a cry of 'Murder.'"

As instances of how they keep their spirits up, Mr. Harmer states that:—

"The punishment of death has no terror for a common thief. Their common expressions used to be, such a one is to be 'twisted,' now it is such a one is to be 'top't.' One man whom I attempted to console told me, 'Players at bowls must expect rubbers.' Another, 'That it was only a few minutes, a kick and a struggle, and it was all over.' Others I have heard state, that they should kick Jack Ketch in their last moments."

I mention these circumstances to show what little fear common thieves entertain of capital punishment, and that so far from being arrested in their wicked courses by a distant possibility of its infliction, they are not even intimidated by its certainty. But the most startling testimony

is a letter written only last week by a most respectable clergyman, who has devoted his time greatly to the attendance on prisoners. I entreat hon. Gentlemen's attention to this. It is most short, and most essentially to the point. I hope its contents will be clearly stated. This gentleman says:—

"All the criminals executed whom I have either witnessed, or accompanied to the scaffold, have amounted nearly to fifty, and there was not a single malefactor but had seen the punishment of death inflicted, and some had seen it repeatedly. The only exceptions were three persons who were respited, and therefore not executed. I give this testimony from having asked each, and that singly, whether he had seen an execution. Some of these had been constant attendants at executions at the Old Bailey. Every criminal executed in Bristol, Gloucester, and Ilchester, that I have witnessed for nearly thirty years, has afforded no exception. Every one that I have attended had witnessed one punishment."

Are these your deterring, your salutary effects? No, Sir, the force of example. Here, Sir, is a practical commentary on the deterring qualities, "the salutary horrors," of a public execution. The force of example is, indeed, most powerful, but so, also, are its workings most mysterious. Good, easy gentlemen, sitting in their arm chairs, with look severe, and beard of formal cut, read the account of an execution, and dream of the alarm into which it has thrown all the thieves of the country, whereas the example has been working on their blinded and hardened spirits in a diametrically opposite direction. The sight of death inflicted has created an appetite for scenes of death. Blood calls for blood. The example of their comrade's execution has fired their passions of pride, resistance, and retaliation. I take it, this is the usual working of these examples. It is a fact well known to all who have attended to the workings of the human mind, that tales and scenes of horror have a strong tendency to re-produce themselves in the minds of those who frequently witness, or become familiarly acquainted with them. I myself remember a strong instance, now some years since, of a farmer's daughter, who, leading an irregular life, ended by drowning herself. A neighbouring girl, who was her friend, and seemed likely to pursue a similar course, was taken to the corpse, and admonished by her parents. After a few weeks, that same girl was found drowned in the same

pit as her friend, clothed in a similar dress, with the same quantity of money in her pocket, and a like bunch of flowers in her dress. In the *Journal des Tribunaux*, of the 29th of August, 1829, there is an account of the execution of a girl (Rose Perrin) at Mantua, for the murder of her father. It naturally produced a great sensation in the country: we are told the mountaineers from around flocked to see the execution as if it was a fair, in their holyday clothes. That very night following the execution of this paricide, the daughter of a respectable family in the town, fired by the excitement, conceived, but was mercifully prevented, from executing the project also of murdering her own father. The same thing occurred after Greenacre's execution, in the case of a person, till then highly respectable, who, having secured a seat to witness it, returned home, and having attempted to hang his wife, cut his own throat. Mr. Motthey, of Geneva, in his "*Nouvelles recherches sur les Maladies des Esprits*," gives an account of a similar effect produced on a man, who, having seen his friend broken on the wheel, returned home and attempted the lives of his sisters. To take a more familiar instance, what is it that sends forth the adventurous traveller to the sands of Africa, or the ice of the North Pole? Is it the comforts and enjoyments that have engaged his propensities as he pores over book after book of voyages and travels? No, it is the dangers and shipwrecks, and difficulties, that captivate his ardent mind. And so, Sir, in an evil course, the hair-breadth escapes, and the agitating, bewildering prospect of a great public execution, shaking off the load of a hated life, haunt and lead on the steps of the felon. I do not for a moment mean to argue that the reform of our executions would put an end to this distortion of mind; all that I contend for is, that it would destroy one of its predisposing causes. And if these are the effects upon the more ferocious, it may be said, that they are so hardened, nothing can reclaim them, but that the sight of an execution must check and deter the minor offenders. Why, then, did it not check those old offenders who have always witnessed them, and were once, too, juvenile offenders? Precisely because it checks neither the young nor the old, Sir, experience, both old, recent, and present, tells us that the pickpockets are seldom so busy as

when an execution is going on. We have already heard Mr. Browne's evidence in 1819; let us hear what Barrington says of an earlier time. He declared,

"That no occasion was considered by pickpockets so favourable for the pursuit of their trade as executions;" adding with the experience of a practitioner, "that everybody's eyes were then on one person, and all were looking up to him."

And we must remember that, at the time this evidence was given, picking pockets, *i. e.* stealing from the person, was a capital offence, which might have brought any one of those persons, thus following their trade, next in succession, to the rope of that very gallows, which, forsooth, we are to consider as erected for their edification and reformation. Ask the police now, and they will tell you the same story. Indeed, in all newspaper accounts of executions, we invariably find some remarks upon the carelessness or activity with which the police have encountered the swell mob and swarms of pickpockets, without whom, indeed, an execution would scarcely be complete. And who are the other attending pupils of this great national school of moral and legal instruction? We have already named all the greater and lesser classes of felons and thieves; their companions are abandoned women, vagabonds, idlers, curiosity or excitement-hunters, chance passengers, renegade apprentices, boys, children, Jews, pedlars, and hawkers selling oranges, and bawling out the last dying speech and confession of the wretched criminal before he has well nigh breathed his last. And what is the conduct and what the conversation of this motley crew? Is it a sober, serious demeanour, such even as men wear—such as even most of those, if met on other occasions, would wear when death crosses their path, or whenever they meet a funeral in the streets? Are these expressions of charitable sorrow for crime, of the benefit of example, of respect for the law? No, no, Sir, these are all fictions, the theories of mere imagination. Those whose duty compels them to attend them know full well that it is otherwise. Mr. Browne's evidence exemplifies their respect for the law, when they execrate or applaud according to their fancies, and sometimes cry out "shame, shame," or "murder!" Mr. Cotton, the ordinary, tells us "They come as to a spectacle." Then their amusement is

a hurling of cats and dead dogs at each other's heads—a crowding, shuffling, and swearing—obscene jests, and practical jokes. Some come to verify what Mr. Harmer, in his evidence, states they have declared before execution, "that after all, it is only for a few minutes; a kick and a struggle, and it is all over;" or some, more irreverent still, who come to see whether their comrade "will realise his boast;" as Mr. Harmer also deposes, "that he will give Jack Ketch a kick as he swings off." But hon. Gentlemen may, perhaps, say, these are the hardened atrocities of London executions. Will they attend to a country one? Let them hear what took place at Stafford, at Anne Wycherley's execution. The Rev. Mr. Buckeridge, the chaplain to the gaol, says:—

"Nothing could exceed the moral debasement exhibited on that occasion. The country, for the space of twenty miles around, was the night previous to the execution, overrun with persons of both sexes, of the most abandoned, dishonest, debauched, and dissolute characters. Petty robberies, of all descriptions, were committed, and the beer-shops and public-houses rang with blasphemy and obscenity. Within sight of the gallows, and while the unhappy victim was actually suspended, obscene jokes, horrible imprecations, drunkenness, and fightings were forced upon the eye and ear. On a late occasion, when two boatmen, named Owen and Thomas, were executed, the same moral pestilence was spread through the country. I trust in God, sir, your efforts may be crowned with success, for certain I am that for one person rescued from a life of crime by the sight of a public execution, twenty, by the same means, become rogues and prostitutes. Should you wish for any further information, I shall, at all times, be most happy to reply to any communication with which you may favour me. I have now held the situation of chaplain for seventeen years, and, of course, have witnessed many executions, and I can only say, that I shall hail with the greatest joy the law which ends for ever such brutal and heart-hardening exhibitions."

But this was in the neighbourhood of manufactures. Will they come, therefore, into a quiet, thinly-inhabited part of the country? I will read them a letter I received only yesterday. It is dated from the gaol of Devizes, and is from the governor:—

"The execution of James Moslin took place at this prison on the 6th of September, 1838, at twelve o'clock. As early as eight o'clock in the morning, crowds of persons began to

assemble in front of the prison-lodge, and, by the time appointed for the execution, 15,000 persons must have congregated together. During this time, the most disgraceful and indecent behaviour pervaded the whole multitude. This exhibition must have operated very ineffectually upon the minds of a very large number of those who witnessed it. For the after part of the day such scenes of drunkenness and debauchery have scarcely been witnessed. I may speak within compass, when I say, that not less than 2,000 persons who came into the town to witness the scene left in a state of beastly drunkenness. This number includes a very large portion of women, whose whole families accompanied them. At ten o'clock at night, and probably many hours later, every public and bye-road leading from Devizes, for many miles out, was crowded with persons in every state of intoxication. I made a minute in my private journal, on the evidence of one of the most respectable commercial gentlemen who travels the west of England, who arrived in Devizes at half-past nine at night, who stated that in the space of nine miles, he passed, according to his computation, not less than 700 persons, of both sexes; in very few of these could he detect an instance of sobriety, while on several occasions he had reason to fear for his personal safety, and at the sides of the road, and the banks, and public footpaths, scenes the most disgusting and indecent met his eye at every turn. I could enlarge upon this spectacle to a much greater extent, but this will be sufficient for your purpose, and I sincerely trust I may never be obliged to witness a similar one."

Is this a convincing specimen of the salutary horror of crime and respect for the law instilled by the exhibition of an execution in the country? One instance more and I have done, and I select a favourable one—one which the papers called "orderly and becoming,"—in order that hon. Gentlemen may see the best side of the picture. I take Courvoisier's; in the midst of London—in the midst of the season—in the midst of the nineteenth century. First we are told by the *Observer*, of the condemned ser-

"Although the service was not to commence till half-past ten, the avenues to the prison were blocked up before nine by those who had been fortunate enough to obtain the privilege of admission, and among the congregation were"—here several noble Lords are named, whom I omit—"several Members of the House of Commons and a few ladies."

In plain words, persons who came to stare at the prisoner: and at such a moment! The same paper says,

"During the whole of Sunday large masses of people visited the Old Bailey;" "which," continues the *Globe*, "in the evening, resembled a fair, and the numbers of persons continued to increase until midnight;" and the *Herald* adds, "the people then assembled were of the lowest class; they talked of the execution with as much levity as they would of a cock-fight or boat race. Taverns and coffee-houses were kept open for them during the night. Some, who could get near enough, amused themselves by throwing gravel at the workmen erecting the gallows; others were singing, or horse-playing, in the hired rooms opposite; while shouting, whistling, jeering, and jostling, were going on outside with increasing vehemence as the fatal hour approached." * * "They thus," takes up the *Observer*, "remained in the open air during the whole night, in order that their curiosity might be fully gratified in the morning. The windows were all occupied by three o'clock in the morning by spectators who paid high prices for them."

And the *Globe* adds,

"That those windows commanding the drop presented a considerable number of well-dressed women; while, in the crowd below, there was a smaller proportion, and that of the lowest and most abandoned rank."

While this was going on without, we learn from the *Observer*, that

"Before seven o'clock, several noblemen and gentlemen were admitted to the prison"—I here again omit their names—"with several Members of the House of Commons, and a list"—whose names I omit—"of foreign princes and counts who wished to see the English mode of disposing of great offenders; and lastly, a great actor, for the advantage of his professional studies."

Now, Sir, amongst this throng of amateurs the prisoner receives the Holy Sacrament; and which concluded, just as he is going to be pinioned, "Mr. Sheriff Evans drew a letter from his pocket and asked for his autograph;" while, we are told, Mr. Sheriff Wheelton "wept bitterly." The bell tolls—the procession moves on—the prisoner mounts the scaffold, and the people, we are told, "receive him with an unanimous shout of execration"—"a yell," the *Globe* calls it—"which went to the hearts of all around him;" and for the two minutes (the *Herald* says "five") that the rope was adjusting, the yelling and shouting were incessant. The other paper calls it "murmurs, shouts, shrieks." The *Observer* remarks "on the disgracefully indecent way in which those who had been admitted by special orders into the gaol rushed after the culprit when

he left his cell to go to execution, notwithstanding the efforts of [Mr. Cope and others to keep them at a proper distance, and which brought forth cries of shame. And thus with amateur lords, counts, senators, and others hurrying to a condemned sermon, to stare at a criminal,—then hustling and crowding round him while he was receiving the last offices of religion, and passing amidst the reading of his own burial service to his grave; with one sheriff weeping, and the other (with a smirk) begging for his autograph; with 14,000 people yelling at him in his agony; and ladies with opera-glasses looking on from the opposite balconies, was one of the latest, and, as these papers stated, "becoming and orderly," executions conducted. Now, Sir, thus it is; here are two undoubted pictures, originals, drawn on the spot (the one in town, the other in the country), of what hon. Gentlemen wish to continue to call conducive to the interests of morality, humanity, and justice. Will they have the goodness to specify any one possible benefit or support that can accrue to any one institution, law, or individual from assembling together of such irreverent masses of idleness, profligacy, and vice? and that, too, for the express purpose of witnessing scenes of death, whereby, and by the contagion of numbers, the force of example, and their own excited passions, it is morally certain—every one must know it is morally certain their hearts must be hardened. Who would wish that executions should be so conducted in future? But while these evils are admitted—indeed they cannot be denied—it may be replied that the plan which I propose threatens still greater mischief, namely, the bringing the last administration of justice into suspicion, by rendering it private, and therefore suspected. Now, sir, I beg to repeat, as I have already declared, that I have no intention whatever of promoting secrecy; on the contrary, I seek publicity—not the publicity that panders to coarse curiosity or morbid sensibility—but real useful publicity and general attention. I seek to constitute a formal, independent, appropriate, and sufficiently-numerous assemblage of witnesses to this last sad scene of the law, whereby the public shall be secure, and be certified of its full and exact execution—those present impressed with its solemnity, and the criminal as little as possible disturbed in his last moments.

Now, for this purpose, I propose that all the public officers who now superintend and are responsible for the due execution of criminals without the walls, shall be equally bound to superintend and be responsible for their execution within the walls of their respective prisons. And I require also the presence of the inspector of prisons for the district, in order that he may make a special report of the whole proceedings to the Home-office, and which report, together with others of a similar nature, shall annually be laid before Parliament. I adopt the same provisions that are now in force for securing the free access and attendance of the ministers of the faith of the criminal. I make provision for the admission of a certain number of the relations and friends of the criminal who may consent to be present at his execution in compliance with his request, made in writing and certified by the minister of his religion in attendance on him. I also provide for the admission of a like number of such of his relations within specified degrees, who may on any day preceding that of the execution signify in writing to the governor their desire to be present. I thus secure a certain class of witnesses most interested in the humane treatment of the prisoner, and whose presence and whose testimony would go far to remove that rankling suspicion and those distressing feelings of doubt which might otherwise arise. Even though few should attend, yet the bare fact of their having the right and power of attendance would produce the same effect. I provide, also, for the admission of a certain number of the public press, whose accounts, though divested of all the exciting and mischievous topics which executions now furnish, would still spread the report of the execution far and wide. I require the presence of all the convicted prisoners within the gaol at the time of the execution, and that they should pass the remainder of the day in their own separate cells, trusting that if the sight of the final catastrophe of crime can at any time soften and reform them, it will be most likely to do so when, instead of returning to the loose conversation of their ward, they shall be left to their own solitary reflections. I admit a limited number of magistrates, and, according to the greater or less space for executions within the area of the gaols, and which shall always be in the open air, and allotted by the

magistrates assembled at quarter sessions. I provide for the admission, upon written application to the governor of the gaol, of a certain number of general witnesses, the inspector of prisons to countersign these orders for admission, which in this and in all other cases when the number of applications for admission shall exceed the number to be admitted, those to whom they shall be granted shall be decided. Thus much for the witnesses, which will vary from forty to fifty. And, with a view to further publicity and example, I require that a formal certificate of the due execution of the criminal, together with a specification of his offence, trial, and conviction, as well as the number of witnesses present, shall be forthwith drawn up and signed by the authorities responsible for the execution, to be by them transmitted to the Secretary of State for Home Affairs, for insertion in the three following *gazettes*. Also that a copy of the certificate shall be printed off as a handbill, and affixed within and without the walls of all the gaols within the circuit, and upon other conspicuous places in the county within which the execution shall have taken place. Also, to prepare the public mind in the neighbourhood, I require that notices, as handbills, announcing the day and hour of the execution, shall be affixed in like manner to the gaols and other conspicuous places within the circuit and county. And finally, still further to arrest attention and address the serious thoughts of all those in the immediate vicinity of the execution, I provide that all those public officers who have to superintend it, shall assemble at the town-hall, or usual place of meeting for public business, and proceed thence with their constables and police in formal procession to the jail, the bells of the several parish churches through which, or near which they shall pass, tolling meanwhile. I should add, that I prohibit all access whatever to the gaol during the time of execution, except to those persons for whose admission this bill shall specially provide. These are the principal outlines of the method of conducting executions which, under the advantage of the corrections and improvements of hon. Gentlemen, I propose as a substitute for our present mischievous exhibitions. The execution as proposed would be formal and solemn, for it would be attended by the public authorities and the ministers of religion, unexposed to the

interruptions and crowdings of curiosity. It would be satisfactory and public for all the classes or interests in any way connected with it, either by affection, duty, association, or responsibility to the public, and each one independent of the other would be there to witness it, with the press and official certificate to authenticate and publish it. And finally, it would be decorous, for it would be conducted without parade and without excitement, in the presence of an assemblage of persons all under the check and within the observation of each other. This, Sir, is the substance of my bill. Hitherto I have said nothing of the wretched criminal himself, not that I in the least allow that his crimes, be they what they may, can in any degree preclude a most careful abstinence from everything calculated to inflict on him unnecessary anguish. But I have already trespassed too long on the patience of the House to permit me to enter now on this branch of the subject. I will, therefore, only entreat hon. Gentlemen to ask themselves whether it be just, whether it be charitable, whether it be Christian, that a fellow-creature in those last moments, when he ought to commune with his own heart and be still, should be dragged forth pinioned and blindfold, on the very precipice of the grave, to be made a spectacle to an uproarious multitude? He may appear calm, but his calmness may be that of one steeped in agony. He may even look bold, but it may be the fictitious boldness of one quivering at every nerve. The vision of that ocean of faces that is to glare on them, of those execrations which are to attend them at their last moments, have often haunted criminals and disturbed their thoughts for nights before their execution. And all this terror is mere gratuitous torture; for it is generally unperceived, and the wretched sufferers cannot, like the transported man, return and recount all the miseries he has endured. You denounce torture, but surely here is torture lurking yet amongst your judicial proceedings, and unequal in its application, according to the caprices of a multitude. Is it fitting that the last feeling, the last pang of the dying man, should be that his agonies are made a raree-show for his fellow creatures to stare at? And when all is over, those fellow-creatures—the writhing ended—turn again to their gin-shops, and say, “Well, at all events, the poor fellow died

game.” Died game! How many half-instructed criminals, gone to their last account, have not been deterred from giving vent to a full and bitter repentance by a desire to keep up their worldly spirits for this crowning exhibition of their craft; and to do what, in their wretched slang, is called “dying game”? And how many imaginations have not been blinded to the atrocity of a crime by a natural sympathy with courage, false or real, with which its punishment has been publicly borne? These are the consequences of your system of making exhibitions of your executions. But I have trespassed too long. I have now endeavoured to point out the mischiefs of our present practice of conducting executions, and to show that a substitute for it might be found which, while retaining all the necessary qualities of publicity and example, should get rid of the demoralizing effects of making the death of a fellow-creature a spectacle for a civilized people. I move, Sir, for leave to bring in a bill for the better ordering of the execution of criminals.

Sir *G. Strickland* seconded the motion.

General *Johnson* said, that there was no hope of the bill which the hon. Member asked leave to introduce ever passing into a law, because he thought that there was too much good sense, both in that and in the other House of Parliament, to permit parties to be privately put to death; a proposal pregnant with greater evils he could not conceive. The argument of the hon. Member, in fact, went to the great point of abolishing the punishment of death, and in that object he (General Johnson) agreed, but when the hon. Member talked of carrying out his argument by making the execution a private exhibition—a sort of raree-show, to see which, if too many applications were made, the precedence was to be decided by chance—he must say that he never heard a proposition to which he could more object. He would therefore oppose the present motion upon principle. He would divide against the introduction of the bill; and if that motion should be carried, he should feel it his duty to oppose its progress at every stage.

Mr. *Ewart* was certain that every hon. Member in the House would do justice to the excellent motives of his hon. Friend the Member for *Knaresborough*. He, with many others, had fully arrived at the same conclusion as the hon. Member, that the public execution of criminals was a great

and serious evil; but they differed from his hon. Friend as to the best mode of getting rid of them. He was one of those who were opposed to the execution of criminals, and to capital punishments altogether. Hitherto he, and those who had acted with him, had proceeded entirely in one direction; and now his hon. Friend asked them to travel in an entirely opposite direction. The hon. Member would get rid of executions, as he thought, by making them private: but his hon. Friend, who was so right in motives, was so wrong in point of principle, that he felt bound to oppose him, for by his method he would fix and make more lasting capital punishments; he was, in fact, taking away one of the greatest arguments in favour of the abolition. He would only draw the attention of the House to the simple principle, that privacy in the execution of criminals was bad; his hon. Friend might be warranted by the present state of the public feeling, and in the condition in which England was found in the nineteenth century in proposing a remedy, but he was not justified upon general principles in recommending his present plan. Let him ask, too, whether the hon. Member's system might not be abused, and whether the most cruel of all executions were not those which had been private? They were bound, as legislators, to look to no palliation for the evils of the passing moment, if they adopted what was in the abstract and permanently wrong? Whence came the rack, whence the torture, whence the inquisition itself? From private punishments. All the cruelties and horrors of the most barbarous systems had been perpetrated in private. Thus, not only was principle against his hon. Friend, but all history was also against him. It was by much more extensive measures, by doing away with executions altogether, and by extending the blessings of education, that benefit would be gained; but he denied that there would be any improvement by getting together some fifty men as a kind of jury to witness the execution. Let it not be understood, however, that he would wish to do anything but the greatest justice to the motives of his hon. Friend, but he doubted the value of his conclusions. His hon. Friend however, did not prevent publicity—he had not withdrawn the presence of the press—and, in modern times, the great instrument of publicity was the press; and though the public would not view all the dying agonies of the criminals,

they would read the fullest details; they might not take place *coram oculis* of the people, but they would be exaggerated exactly in proportion to the want of the power of correction through publicity. Then his hon. Friend wanted the relatives of the criminal to attend. He hoped they would not, at all events he would not desire to give them any encouragement, and if their presence were withdrawn, how would there be publicity? In short, the good proposed by the hon. Member was doubtful, the evils that would result from his remedy would be certain. His hon. Friend would withdraw the horrors he had so vividly described, but he must say that he had lately seen a great change in the conduct of the people in respect to these executions; there was a time when the criminal was looked upon as a hero; he was now viewed with execration, and, dreadful as it might be to think of the yells that fell upon his ears in his last moments, yet, even this was somewhat better to having him looked up to with admiration, and received with acclamation. He trusted that if his hon. Friend did not find himself strongly supported by the House he would withdraw his present motion, and join in the endeavour to abolish capital punishments altogether.

Mr. Fox Maule could not let this question, which had been so ably introduced by his hon. Friend, go to a vote without giving his opinion upon the subject in as few words as possible. He must say, that he entirely concurred in the view taken by the hon. and gallant officer, who spoke immediately after his hon. Friend, that the attempt to have executions in private would be followed by great evils. The arguments which his hon. Friend had used appeared rather to make out a case for the abolition of capital punishments altogether, than to the execution of criminals in private; and his hon. Friend was somewhat unfortunate, because he found arrayed against him not only those who were in favour of continuing capital punishments, but also those who were against their further existence; he thought, therefore, that his hon. Friend would see the necessity of withdrawing his motion without pressing the House to come to a vote upon the principle on which he had displayed great ability and the arguments for which he had so admirably put before them. With respect to the details, he did not at that time mean to enter upon them, or to debate the question, further than to state

simply this; that if they were to adhere to the present system of capital executions, they had only to decide whether that was to be an execution in public, or an execution in private? He might lament the depravity and the bad feelings which rendered it necessary that society should in any case turn its hand against a fellow creature; and he might lament also that when there was the solemn spectacle of the execution of the last sentence of the law, there should be such scenes of vice amongst those who came to witness the scene, and who sought to imitate the example of the criminal; but he could not alter human nature; and, he believed, that if they either did away with the punishment of death altogether, or most of all, if they superseded its publicity, more evil would flow from the alternative than was now experienced. Entertaining, therefore, that opinion, much as he might regret it, he must differ from the hon. Gentleman, and if the motion were pressed to a division, vote against it.

Mr. *Hume* also suggested to the hon. Gentleman, that observing the sense of the House to be against him, he should withdraw his motion; at the same time he must say, that the House was greatly obliged to the hon. Gentleman for the strong and powerful case he had made out against public executions. He had proved that public executions were a nuisance—that they did more harm than good, and he recommended the noble Lord to weigh well those arguments, and to be prepared to answer them, or to acquiesce in the motion for the abolition of capital punishments when it should be brought forward. He was sure that the speech of the hon. Member would produce a great effect in the country.

Mr. *Rich* was most unwilling to press any motion to a division against the general opinion of the House. He hoped, however, that the present discussion, if it were of any value, would make a step in the progress, and ultimately bring public opinion to maturity. As to the imputation that he sought to revive secret executions, or anything like the Inquisition, he was not liable to it; for no man would regret such a revival more than himself. And as to history being against him, he believed that in the best period of ancient history, before the approach of corruption, executions were comparatively private; it was only in the time of the abominations of Rome that the scenes in the public arena

began. In the better times of Athens, also, the same system of privacy prevailed. In recent days, in the civilized state of New York, there were no executions; and in Prussia they could only take place by the order of the King. Reserving, then, to himself the full right, upon any future occasion, to move for a committee upon the subject, he begged leave to withdraw his motion.

Motion withdrawn.

EXPORTATION OF MACHINERY.] Mr. *Mark Philips* having presented a petition, signed by 1,960 inhabitants, manufacturers, &c., of Manchester and Salford, for the free exportation of machinery, said, I rise in pursuance of the notice in your hand, Sir, to move the appointment of a select committee, for the purpose of inquiring into the operation of the existing laws affecting the exportation of machinery. The machine-makers of this country have for many years considered these laws decidedly injurious to their interests, restraining them from the full exercise of their talents and mechanical ingenuity, circumscribing the advantageous employment of their capital, and restricting the enterprise of one of the most important branches of our national industry. They have petitioned the House in great numbers—I may say almost to a man—praying that the existing laws which oppose these obstacles may be revised or repealed; and the petitions are not confined to the master machine-makers, but they have been drawn up and signed by large bodies of the operative mechanics also, who feel that they share a common interest with their employers, in every thing which concerns the prosperity and extension of that branch of trade in which they are engaged. Before I proceed to state in detail the arguments which are advanced by these parties in favour of a repeal of the laws which prevent the free exportation of machinery, it is perhaps desirable that I should recall to the recollection of the House the proceedings of its select committee appointed in the year 1824, to inquire into the then state of the law respecting the emigration of artizans, the exportation of machinery, and the effects of the combination laws. That committee, after a long and laborious examination of witnesses, reported to the House, on the 21st of May, 1824, their decided conviction of the impolicy of the laws relating to the combinations of workmen and the emigration of artizans. The House of Commons,

guided by justice and sound policy, proceeded almost immediately to legislate in conformity with the recommendation of the committee. Bills were introduced by my hon. and indefatigable Friend the Member for Kilkenny, which passed this House almost without opposition, and the laws relating to artisans and combinations were consequently repealed. With reference to the question of the export of machinery, however, the committee reported at that time in favour of further inquiry in the ensuing Session of Parliament. In the Session of 1825 this committee re-assembled to "inquire into the state of the law and its consequences respecting the exportation of tools and machinery." Their report, made on the 30th of June, 1825, is the document which I hold in my hand, occupying seventeen pages of very interesting matter, the perusal of which will very amply repay any hon. Member desirous of making himself acquainted with its contents, and which, if I obtain the consent of the House to the appointment of a select committee this evening, it is my intention to move shall be supplied to each of the Members of that committee who may not be already in possession of the document. I cannot, of course, on this occasion, attempt to give anything like a full outline of the report itself, without occupying more time than the House would be willing to accord me. I will only say, that I know of no more valuable treatise upon the subject of the exportation of machinery, or which contains a record of more important matter, than this report. Prescribing to myself, what will not, I trust, be considered undue limits in bringing this question before the House, I beg leave, at all events, to read the recommendation with which that committee concluded its report, on the day to which I have already referred:—

"Although your committee are impressed with the opinion, that tools and machinery should be regulated on the same principles as other articles of manufacture, yet, inasmuch as there exist objections in the minds of many of our manufacturers on this subject, which deserve the attention of the Legislature, and as it is possible that circumstances may exist which may render a prohibition to export certain tools and machines, used in some particular manufacture, expedient, your committee beg to recommend, that until an alteration can be made in the laws on this subject, his Majesty's Privy Council should continue to exercise their discretion in permitting the exportation of all such tools and machines, now

prohibited, as may appear to them not likely to be prejudicial to the trade or manufactures of the United Kingdom."

I am well aware, that on previous occasions when this subject has been brought under discussion in this House, there have been opinions expressed by parties entitled to the highest respect at the time they spoke, and which having been placed on record, are, as regards some of those individuals now no more, become matter of history; and, with the permission of the House, I beg to refer to some expressions which fell from the late Mr. Huskisson, during the period that the committee to which I have just alluded was carrying on its inquiry. In the year 1825, on the occasion of Mr. Littleton presenting a petition from Nottingham, against the repeal of the laws prohibiting the exportation of machinery, Mr. Huskisson said:—

"He had listened with great attention to the statements of his hon. Friend on a subject which was certainly of great importance, that was with regard to the exportation of machinery, for himself, he was certainly inclined to think, that such a repeal would be very advantageous; but he well knew, that a strong persuasion existed among a large body of the manufacturers, that it would be attended with the greatest injury to their interests. He had no doubt that the expected report of the committee would throw great light upon the subject; and enable it to be more distinctly seen how far the superiority of our manufactures was attributable to machinery, and how far to other causes. It ought to be recollected, that we had already permitted the free exportation of labour. Our mechanics might go whither they chose, and why the exportation of machinery should be placed on a different footing he was at a loss to conceive. He was, however, disposed, in the present state of alarm on the part of the manufacturers, on this subject, to treat the matter with as much delicacy as possible, and he was by no means disposed to propose the repeal of the existing prohibition without further enquiry. He could not help adverting to his hon. Friend's (Mr. Littleton's) observation, that he should not object to the repeal of the prohibition, provided the Board of Trade were empowered to use their discretion with respect to the articles of machinery to be exported. He felt very considerable doubt with respect to the expediency of such a course. It would throw on the Board of Trade a most invidious task, and would inundate them with applications, on the merits of many of which they would find it exceedingly difficult, if not impossible, to decide. He could also assure his hon. Friend, that as the Board of Trade was at present constituted, it had as many duties to discharge as it could well get through."

I have hitherto spoken in the language of the petitioners, when making use of the word laws, in reference to the exportation of machinery. The term law is, perhaps, scarcely correct—the fact being, that certain descriptions of machinery are prohibited export, whilst a discretionary permissive power as regards other descriptions of machinery is vested in her Majesty's Privy Council, I believe in the Board of Trade. There is something, the machine-makers contend, extremely anomalous in this state of things, and that the rules which operate as law should remain in the condition stated by Mr. Huskisson. The only direct legislative enactment which I find as having passed this House with reference to the exportation of machinery, since the year 1825, it contained in certain clauses of the Act of 3rd and 4th of Wm. 4th, cap. 52, p. 205, being an act introduced by Mr. Poulett Thomson, on the 26th August, 1833, for the general regulation of the customs, and which states in a sort of schedule a description of certain "tools and utensils," which are prohibited exportation. I think it incumbent upon me to state the actual position in which we are placed at present. Our position, then, I conceive to be legally this—our artisans are at perfect liberty to emigrate to any part of the world they may desire, carrying their talents and skill to the best market, if better than that of their native country can be found. We can export an immense variety of tools without any restriction whatever, excepting those enumerated in the clause of the Act of 1833, to which I have just referred. We may export steam-engines, and any portions of steam-engines, and mill-work of all sorts, without any restrictions, and without any necessity existing for an application to the Board of Trade; and we can export, with the permission of the Board of Trade, all those elementary parts of the machinery—if I may be allowed such an expression, which is not perhaps a mechanical one, by which I mean all those preparatory parts of machinery—employed in the early processes of manufacture, or the "preparation" as it is called, in the spinning and throwing of the four great staple articles, cotton, silk, flax, and wool. The hon. Member proceeded as follows: In order to show what a vast accession of demand there has been lately for those articles, and to what extent the exportation of machinery destined for these branches of trade has been carried on, I think it right to refer to a return moved for in the last Session of

Parliament (6th of May, 1840), by the hon. Member for Belfast, whom I am glad to see opposite to me at this moment. There is in that return a statement well worthy the consideration of the House. It shows, that in the year 1831 the total amount of machinery exported to all parts of the world was 60,028*l.*, official value, whilst in the year 1840 the amount had increased to 387,096*l.* In this return, however, I should observe, in order to prevent any confusion, that in the statement of export to Europe there is included all machinery shipped to Malta, the Ionian Islands, the Isle of Man, and the Channel Islands of Guernsey, Jersey, and Alderney, which although very small in amount, I strike out as being British possessions, as I wish to be quite correct, and the actual return as regards Europe will then stand thus:—

Machinery exported to Europe in	
1831	£19,255
“ “ in 1840	253,177
In 1831 the value of machinery exported to North and South America, exclusive of British possessions, was	7,690
In 1840 it had increased to	54,000

I will now return to the object of my motion, viz., the very natural desire of the machine-makers of England to be permitted to export those articles which are at present prohibited, and here let me say that I wish to be understood, in moving for the appointment of a Select Committee, as being myself anxious for inquiry, and not, as at the present moment, entertaining a decided conviction of the propriety, in a national point of view, of removing all restrictions whatever from the supply of English machinery to foreign nations. I will frankly confess that I have, heretofore, participated very much in the feelings of English manufacturers, that it was undesirable to hasten, or actively promote, the successful manufacturing rivalry of foreign competitors, by supplying the continent with English machinery of the best description, without any restriction whatever, because I have felt with them that they are placed in a disadvantageous position as regards the cheaper labour of the continent under those impolitic laws which regulate the importation of food, and which has induced the belief that it may be dangerous and inexpedient to place within the reach of foreign competitors those mechanical contrivances of which the English manufacturer has possession. Should any one ask why I am anxious to promote an inquiry at the pre-

sent moment, I answer in perfect sincerity, that I think the machine-makers, who have approached the House through so unworthy a medium as myself, are on every principle of policy and justice entitled to be heard, when complaining of the restrictions at present imposed upon them; they are men eminently distinguished for their talents, and the opinions of men of talent and integrity should always command our attention and respect. There is no Member of this House to whose constituents this question is of so much importance as to those whom I have the honour to represent; for on the one side I believe I number a larger body of machine-makers amongst my constituents than are to be found in any other borough in the kingdom; and there can be no doubt on the other, that Manchester, as the great centre of the cotton trade, is most deeply interested in sound practical legislation upon any question which affects those who are the great owners of machinery, and in no other place is so much property invested in machinery. I am anxious to approach the consideration of this subject without bias. It is now fifteen years since the machine makers of this country have had any opportunity of parliamentary inquiry afforded them; and fifteen years of commercial and manufacturing existence in this country present, perhaps, as many aspects of change as whole centuries in former times; in that interval none but those who are conversant with the fact can by possibility be aware of the vast improvements which have taken place in the machinery and tools of this country, nor of the rapid strides which have been taken in mechanical skill and enterprise. If I wanted an illustration, suffice it to say, that, since the sitting of the committee in 1825, almost every railway in the kingdom has been constructed, and the locomotive principle has been successfully developed. I denominate this a mechanical era in itself, which will always be looked back upon as one of the most extraordinary in the history of this country; and whilst we have been making such progress ourselves, we must recollect that our inventions and improvements have been likewise secured by our continental rivals. As regards the arguments of the machine-makers, relative to the restrictions upon the exportation of machinery, they contend, and with great force as it appears to me, that at the present moment the law being such, or the regulations such as I have described, they are placed in a very anomalous position. If a ma-

chine-maker in England discovers some new mechanical combination or invents a new machine our laws place him in a most embarrassing position, for it must be recollected, that he has as full a right to secure a protection for his invention upon the continent as in this country, and in the event of his patent attaching to a machine which is prohibited exportation from this country, what are the consequences? Naturally seeking to derive the full advantages of his own ingenuity, he is obliged either to establish a manufactory on the continent, which must always expose him to great injury if he is not continually there upon the spot to superintend it either himself or through a partner, or he must throw himself into the hands of foreigners, and thus derive only a portion of that return which he would do if his invention remained entirely in his own hands. He has to supply the foreign agent or purchaser of his patent with all the knowledge requisite for the construction of the machine—he furnishes him with drawings, and in all probability must accompany his specifications with a model machine, which being made in this country, can only be sent to the continent in a surreptitious manner. Thus, instead of calling into activity the works connected with our mines of coal and tin, and the labour and industry of a large body of our industrious English artizans, he is compelled under our present system to call all those advantages into operation on the part of the foreigner. This is independent likewise of the loss of employment at home, which I have just stated. Moreover, there cannot be any more satisfactory or profitable result to himself from parting with the possession of his patent, and selling his right to other parties abroad, for, by so doing, he receives, in all probability, a mere per centage of the advantage he would derive, if he was permitted to keep the whole under his own guidance and control at home. I have stated, that by the existing regulations all the preparatory machinery for the spinning of cotton, flax, silk, and wool, is allowed to be exported, under a licence of transit from the Board of Trade, and the machine-makers contend, that when those parts of the machinery, used in these four great staple commodities are once sent abroad, it is clear, that they are intended, in their ultimate place of destination, to be brought into immediate co-operation with those other portions of the machinery which are required for the production of the finished article. There

are only two ways by which the finished machinery, employed in these latter operations of spinning, can be supplied. If from England, it is a smuggling trade; if it is supplied by foreigners, then there is the loss of that which would be extremely valuable in putting into operation British skill, capital, and industry. In regard to this part of the subject, I will quote the words of the machine-makers themselves who state the position in which they are placed by the restrictions imposed upon the exportation of the articles of their manufacture. In a pamphlet which I hold in my hand just published by the committee of machine-makers, and addressed to the President of the Board of Trade, they say that

"The obvious evil arising from the present law has been, to encourage the exportation of machinery by all the illegal and deceptive measures which the chicanery and cupidity of man can devise. It is a monstrous fact that all our machinery is diffused over other countries almost as readily as over our own, and that every improvement is transferred as soon as it is discovered, either by the aid of the smuggler or the draftsman. Bulky machinery is regularly smuggled out at a premium of 40 to 50 per cent., and small machinery at a premium of 10 to 25 per cent. The average premium for smuggling out the whole of the machinery for a cotton mill is 25 per cent."

It is a fact well known at the Board of Trade that articles are constantly shipped under a false description. There is one instance which has lately come to my knowledge, which I am betraying no confidence in mentioning, of an individual having actually exported a quantity of what are termed "Spiral Cutters," a part I believe of the machinery which, since the application of power to the manufacture of woollen cloths, is used to shear or reduce the surface or nap to the smooth appearance which those conversant with fine woollen cloths know how to appreciate. It is, in fact, a sort of endless screw, but acting as a knife, and called a "Spiral Cutter." An individual, I wish to state, actually exported five hundred of these articles, and boasted without any disguise of his having so done under the denomination of "Chaff Cutters." Another individual applied not long since to the Board of Trade for a licence to permit the exportation of certain machinery; he was told it could not be granted, that it was a machine coming strictly within the line of prohibition, and that no licence could consequently be issued. What said this individual in reply? His answer was, that it was a matter of

perfect indifference to him whether the licence was granted or not, although he might in consideration for his own character and feelings, desire not to have the imputation cast upon him of sending out the machine surreptitiously. The order had been given him for this machine; it had been faithfully executed by him; and he should subject the party for whom it was made to great inconvenience if it was not immediately shipped. It was wanted immediately, and go it must to the continent; and whether the licence was granted or withheld, it would certainly be sent out of the country in less than twenty-four hours from the moment that he was then in conversation with the gentleman connected with the licence-department at the Board of Trade. The machine-makers state, that there has been a great improvement in that branch of the trade which comprises the manufacture of tools; and perhaps there is nothing in mechanical invention more interesting to look at and examine than the operations of what are apparently machines, but which are *bond fide* tools. There have been combined in the space of one single machine the operations of a vast number of tools, and these are exported under the general term of "tools," without any reduction whatever. The foreigner is thus enabled to compete with the English machine-maker in a manner little contemplated by either party a very few years since. A vast amount of manual labour it is evident is thus saved, for it should be borne in mind that whenever we meet with manual labour in a high degree of perfection, a long previous apprenticeship must have been gone through by the artizan. All this is, however, passed over. All this time is gained in the training of mechanics by the introduction of these inventions. The quantity of tools, I understand from the authority of a most respectable machine-maker, exported the last few years, has been equal in each year to nearly the same quantity as would be required for regular use in eight or ten of the largest machine-making establishments to be met with in any part of this country. It is quite clear, therefore, that our foreign competitors are now in possession of means far more extensive than has ever been the case before for the manufacture of similar machines to those produced by the machine-makers of this country; and, it is a striking fact, that at the present moment the English machine-makers declare their inability any longer, with ad-

vantage, to export many parts of machines, because such is the improvement which has taken place in their construction abroad, and such is the expense of the arrangements necessarily connected with the smuggling of articles, that the machine-makers upon the continent are now able to make machinery for the cotton or other manufactures of their own countries, and supply them on cheaper terms than by purchasing them from England through the present round-about mode. Whether this state of things is likely to undergo any change or not, I will not take upon myself to predict. As regards steam-engines, however, I read a few days ago, in one of the French journals, that, at a recent sitting of the Chamber of Deputies, an application was made to the Chamber to abolish the 30 per cent. tax upon British machinery, allowing a drawback of 32 per cent. upon that manufactured in France. The motion was opposed by M. Powells, himself a manufacturer of steam-engines, who wanted a large drawback, I think of 30 per cent., but his proposition was rejected. Now, when I first read the paragraph, the term machinery led me to think that the French Chamber had been seized with a sudden fit of free trade principles; but such is not the case—the matter under discussion, as I understand it, referred only to the duty payable upon the importation of steam-engines into France, which duty is 50 per cent., whilst the general duty upon machinery imported into France, is, I believe, 15 per cent., and the same duty of 15 per cent., is paid on the importation of machinery into France, across the Belgian frontier. The House must remember, that since the committee sat in 1825, the position of this country is greatly altered. Large machine manufacturing establishments have sprung up in France, in Belgium, in Switzerland, Saxony, Prussia, and Russia; and, if we go across the Atlantic, the United States exhibit a striking example of mechanical rivalry, and inventive genius. From that country have been derived some of the most important improvements in the machinery adapted for cotton spinning, patents for which have been taken out in England, and likewise upon the continent, and have then brought into active operation, and at the same time into active competition, many thousands of spindles, against those employed in the same manufacture in this country. These are some of the leading facts which the machine-makers have

laid before me, and which I regret that I should so imperfectly have, myself, endeavoured to bring under the consideration of the House, facts, which exhibit, I admit, with considerable force, the inconsistencies with which the machine-makers are surrounded. I have already stated, that heretofore my opinions had been on the side of the manufacturers of this country, not hastily to throw away the advantages they possessed. They have, up to this time, I believe, rather retained an opinion in favour of restricting the exportation of machinery, if that restriction could be *bonâ fide* maintained; but I think the statements of the machine-makers are well worthy the consideration of the manufacturers as well as of this House. I will not take upon myself to say what change of opinion may have taken place in the minds of the manufacturers since the last Parliamentary inquiry, but before I sit down, perhaps the House will allow me to say, that should it grant this Committee of Inquiry, it will undoubtedly become part of the duty of that committee to consider well the objections urged by the manufacturers before the committees of 1824 and 1825, and to investigate and fully inquire into the claims of the two parties. The manufacturers formerly opposed the exportation of tools on the ground, that they apprehended a foreign demand for them, would greatly enhance the price at home. We have lived, however, I think to see, that this exportation has proved altogether fallacious, and keeping this fact in view, it may not be an unfair assumption, at all events, it is matter for consideration, whether the ultimate result of the exportation of machinery may not correspond with the result I have named in connexion with tools. I will here state some of the arguments which were put forward by the manufacturers in 1824. It was stated, on their behalf, before the committee, as the general opinion of commercial bodies, that a repeal of the laws, prohibiting the exportation of machinery, would be injurious to their interest, especially as regarded the cotton trade. They expected that a great demand for cotton machinery would immediately arise for exportation, and that the cost of similar machinery would be thereby enhanced to their detriment. I must, in candour, however, draw the attention of the House to the period when the objection was made: it was in the year 1824 and 1825; and, as every hon. Member will remember, that

was a period when the currency was in a very extraordinary and inflated state—when every article of manufacture had risen greatly in price—when, as stated by the manufacturers, and repeated in Parliament by Mr. Huskisson, a fact of which there is no doubt, that new mills were built standing in want of machinery to fill them, the demand being equal to the average supply of eighteen months. What I would say, therefore, with reference to the objection on the part of the manufacturers is this. On looking at a question of this kind, do not limit your opinions to the result of a particular year, when such extraordinary circumstances may, as in the instance named, attach themselves to it, but look rather and examine whether the accuracy of your opinion will not be more fairly tested by the result of an average of years. I know that the manufacturers have laid considerable stress upon this argument, namely, that in former times, Scotland, when cotton-spinning was first established there, had derived the whole of her machinery from the Manchester and Lancashire workshops, but that very soon the Scotch became such good and expert machine-makers that they supplied themselves. From this fact, therefore, they drew the inference, that as Scotland, after possessing herself of models, had been able to supply her own rapidly increasing wants without again resorting to the Lancashire districts, the same results would follow on the continent if the restrictions on the exportation of machinery were removed. I do not mean to say that their fears are by any means groundless. But I think this committee, for which I now move, will enable all parties to state their views more fully and more correctly probably than was the case in 1824 and 1825; for both parties have gained great experience since that time, and the relative condition and position of the continent and this country has undergone so great a change in that interval, that I conceive it to be a matter no less desirable for the manufacturer that the inquiry should be gone into, than it is for those who have petitioned the House in such strong terms, pointing out the inconsistencies resulting from the existing state of the law. This important investigation will take place, if the House will permit a committee of Inquiry to be appointed upon this subject; and I will now conclude by moving, in the words of the notice which I have given, for permission to appoint a select committee for the purpose of inquiring

into the existing laws which affect the exportation of machinery.

Mr. Emerson Tennent said, that although he was by no means decided as to many of the points which had been made by his hon. Friend who had just sat down, yet he thought that the inquiry which he sought was one of the highest importance; and he had great pleasure in seconding his motion. He would do so, because he believed it to be precisely one of those questions of difficulty, in which the assistance of a committee was essentially required, in order to discover the safe course to be pursued. The subject of inquiry was one beset with doubt and difficulty, one point only being absolutely certain, namely, that the administration of the existing law had utterly failed in realising its own object. The machinery which we wished to retain had neither been kept in the country, nor had our rivals on the continent been excluded, as we had hoped, from attaining the power and skill for producing it for themselves. The law, in fact, had become utterly inoperative, and the Legislature must speedily decide whether they would abandon the principle of prohibition altogether, or so amend and alter the law as to enable them to do that which they were now unable to do—to enforce it. The result of this inquiry must lead to one or other of these consequences, for it was quite clear the matter could not longer remain as it was; the prohibition under its present regulation, being a mere legislative delusion, so far as regarded any effectual protection to our own manufacturers, and a powerful incentive to machine-making on the continent, without being any advantage to our own machine-makers at home. He could not look back to the legislation upon this subject in 1824 and 1825, without believing it to have been either imperfect or mistaken. Indeed Mr. Huskisson himself seemed to feel its imperfection, and admitted the necessity of doing something more to simplify and strengthen the law upon the subject; but, in 1826, he justified himself to the House for declining to take any further steps then, on the ground of the alarm which might be created in the then depressed state of every branch of trade and manufacture were the question to be again mooted. That temporary impediment had long since passed away, but, notwithstanding, no steps had ever since been taken to remedy the inconvenience admitted by Mr. Huskisson. Mr. Huskisson himself predicted, in 1824, that the

alteration of the law which legalized the emigration of skilled artisans would one day or other lead to the further concession of the export of machinery, which it would then become more difficult than ever to prevent. But with all admiration and respect for the genius and acquirements of that statesman in every thing pertaining to the finance and commerce of this country, he must say, that the necessity for further legislation, which had at length arrived, when this subject had been mainly caused by the crude and clumsy arrangements which were made by Mr. Huskisson himself, for the administration of the law in 1826. A discretionary power was vested in the Board of Trade to permit the free export of certain machinery, whilst others were to remain under prohibition, and for the guidance of that discretion Mr. Huskisson, who was then at the head of the Board of Trade, stated in the House of Commons, that he had laid down the following principle, the wisdom of which it was difficult to discern:—

“That when machinery was of great bulk, and contained a great quantity of raw material, then no objection should be made to exportation, as he considered that no injury could be done to the country by it. But where the machinery was of modern improvement, and depended mainly upon the ingenuity and excellence of the mechanism, and where the raw material used was trifling, he felt that he owed it to the manufacturer to restrain as far as he could, the exportation of such machinery.”

Thus the Board of Trade, with, of course, but an imperfect knowledge of the construction of machinery, were to dispense with all considerations of rarity, ingenuity, and performance, and to look mainly to weight of metal; and he had understood, that the standard practically taken was to allow such machinery to pass as was driven by a screw of one inch-and-a-half in diameter. The most ingenious pieces of mechanism thus found their way through the Custom-house, if they were only heavy enough; and amongst other formidable errors which were committed in accordance with this theory, was the unlimited export of tools. Hon. Members were not probably aware of the vast importance which attached to this latter permission; and when they hear that machinery is prohibited, but that “tools” may be exported freely, they naturally conclude, that it is only files and hammers, and such implements, that are meant by that phrase. But the im-

portance of the concession would be perceived when it came to be known that, under the name of “tools,” the most complex and wonderful machines were permitted to be exported, because they were to be used for the production of other machinery, and not of any articles of commerce. These tools are in fact machines—not only so, but they are the most valuable of all machinery, because they not only produce it, but confer upon it its precision, its finish, and its excellence. Some of these tools are of enormous size; planing machines of twenty to thirty feet in length, drills of corresponding dimensions, and lathes that grasp a beam of iron, that it would have taken weeks to polish by hand labour, and turn it out in a few hours as smooth and as delicately finished as an ivory toy. Operations, in short, which were once achieved, after long labour with the file and the hammer, in the hand of the workman, and liable to all his inaccuracies and defects, are now performed by tools that act like automata, combining, with gigantic power, a precision that is faultless, and an ingenuity that approaches to instinct. Can anything be more inconsistent in legislation than to permit the unrestricted export of tools such as these, which are in fact pregnant with machinery itself, and in the same breath to say to continental machine-makers, “These you may have, but we cannot permit you to import our machines.” Is it any thing more or less than saying, you shall have the tree with pleasure, but we cannot think of sending you the fruit? Now, to give an example of the operation of this permission, he would just mention the case of one machine, which for the purposes of exportation might be classed under the head of a “tool.” One of the most important articles in the preparation of cotton yarn, and indeed yarns of all kinds, was the card by which the fibres were spread and arranged preparatory to twisting, and which was a kind of brush formed of bent wires, stuck through leather. The making of these cards was formerly a matter of infinite labour and minuteness, each piece of wire being bent by the fingers, and placed one by one in holes previously pierced, which was likewise done by hand, in the leather; a very small quantity, in fact, could be made in a day. Now, the entire of this operation is performed by a single tool, called Dyer’s card-making machine, so independent, that one boy can attend two or three of them, and (if he might use the

phrase) so intelligent, that it requires only to be supplied with a strip of leather, and a coil of wire, and in a few minutes it produces of itself the given quantity required of the finished material for clothing the carding frame. It lays hold of the wire, cuts it in pieces of equal length, bends each piece twice at a right angle, pierces the holes in the leather to admit its two points, thrusts it through and bends it on the other side, repeating each one of these five or six operations three hundred times in a minute, till it completes a little web of this complex and intricate texture, almost entirely without any human assistance. Now, he had been informed, that in legal construction this wonderful machine is a "tool" for making cards; as such, could be exported, if required; and the only obstacle which he saw to it, would arise on the question, whether it was driven by a screw of the requisite diameter. Such is the anomalous condition of the law at present: it prohibited the export only of light machines, all preparatory machinery was permitted to be exported liberally; finishing machines alone were restricted; tools might go, artisans might go, and we had recently permitted the export of fuel. Now, look to the results of this legislation. There is not a country of Europe, that is not rapidly advancing in the manufacture of machinery for itself. Model machines are smuggled constantly out of England to each and to all of them. They have, then, our artisans, our tools, our iron, if necessary, and even our coals; and whilst they are envious of our manufacturing superiority, they are making rapid advances in constructing machinery for themselves wherewith to rival us in our productions. France, Switzerland, Belgium, Prussia, Saxony, Austria, and Russia, have each their factories of machinery, and have each made vast progress in its production. The smuggling of machinery from this country goes on as a regular trade. In a committee, of which he was chairman, last year, one witness stated, it to be his profession to smuggle it, and detailed the terms on which it was done. At Berlin, last year, he had been shown spacious rooms in the Gewerbe Institute, containing models or originals of every complex machine in use in England for the spinning of silk, wool, flax, or cotton, and was assured that they had all the newest improvements immediately on their appearance in Great Britain; nay, further, that they had some machinery superior to any in England, inasmuch as they could combine two or more

English patents in one construction, a practice which the law rendered impossible in this country. He (Mr. E. Tennent) had found in all their workshops, English tools and English mechanics; and already, so far were they advanced, that they were beginning to dispense with the services of the latter, and to make the former for themselves, and the machinery produced by their own tools, and their native artisans, though inferior in finish and in precision to that obtained from England, was still eagerly sought after as a substitute for it, whilst they confidently hoped to shortly equal us in the manufacture itself. Now, these statements, he submitted, all tended to raise a serious question as to the prudence of the principle of prohibition, as it was abundantly clear, that the refusal of England to permit the exportation had given an impulse to the manufacturers abroad, which, but for it, might never have been communicated—it was mainly this prohibition that had spurred them on to cope with us, whilst our own lax administration of the law, by permitting the export of the most rare and costly tools, had equipped them for the contest. But this was only one side of the question. He had already stated the case to be surrounded with difficulties and doubts requiring the investigation of a committee. The inquiry did not end here—it was not sufficient to ascertain what had been the consequence of the prohibition. It was necessary likewise to inquire what might be the results of removing it now upon our manufactures at home, and upon their competitors abroad. The manifest superiority which our manufacturers still possess in the use of our own machinery is abundantly attested by the anxiety of their continental rivals to obtain it, even at a premium of from 50 to 75 per cent. upon the first cost in this country. If it did not produce better and more plentifully, it could never warrant such an outlay. Again, not only is their own home-made machinery inferior to ours in every respect, but the cost is considerably higher. For example, a mill for spinning linen yarn has recently been erected at Ghent, the buildings of which could cover 15,000 spindles, but 10,000 only have been erected, at a cost of 80,000*l.*; that is, about 8*l.* per spindle, the cost at Ghent; and better machinery could be erected in Belfast for from 4*l.* 10*s.* to 5*l.* a spindle, and in England for even less. An alteration of the law, therefore, which would give to the Belgian spinner

the superior machinery of England, at a diminished cost, would be a manifest advantage acquired by him in his competition with the English spinner. Again, it is very true, that the machine makers of Belgium, France, and Prussia, are making rapid advances in their rivalry with those of Great Britain, but it must not be overlooked that they are mainly indebted to Great Britain herself for the very means of doing so—for the tools with which they work; and though they are beginning in some places to make these for themselves, they candidly admit, that they do so at a greater cost, and for an inferior article, to that which they could obtain from Sharp, Roberts, and Co., of Manchester. They have their own iron, but it costs more, and is less valuable than ours; they have coals, too, but they are twice the price; and they have skilled artisans, but at higher wages. In fact, so obvious is their inferiority in all these particulars, that a manufactory of machinery lately commenced at Hamburgh, had, when he visited it in October last, an English director, English workmen, English tools, English models, English iron, and even English coals, all procured at an immensely increased expence above that for which they could all have been had native. The manufacturers, therefore, buy machinery smuggled from England at 75 per cent., premium; or those who purchase machinery made by Englishmen on the continent, at greatly increased prices, clearly admit their inability, without it, to cope with the manufacturers of England; and to give them, therefore, its unrestricted use, and unprohibited importation, even supposing the certainty, that their own machinery in time will equal ours, is to surrender in the mean time the temporary advantage which we possess, and to yield to the foreigner that start which our own producers have for the moment got of him in the market. Mr. Huskisson, in 1826, would have proceeded to deal further with this law, were it not for the alarm of the British manufacturers; that alarm, he believed, was not now so strong as it had been some years ago. They either felt, that the success of their competition with the continent, depended upon other elements than the mere excellence of machinery, or else they had become indifferent in some degree, from perceiving that their rivals had already got possession of the greater portion of that machinery, and were likely to obtain the whole; but certainly, in the year 1839 and 1840, when it was proposed by France

to impose an import duty upon linen yarns, and that impost, it was conceived, might be averted by repealing our prohibition upon the export of machinery, the linen yarn spinners of the whole kingdom, had signified to the Board of Trade their acquiescence in the proposal. How far other branches of manufacture might be similarly affected towards it, would be for the inquiry of the committee; and he hoped, that their sentiments and opinions would certainly form a main feature in the inquiry, and that the question would not be prejudged upon any partial information as to what was doing in Belgium, or in France, or in Prussia, or in any one section of Europe; but what might be expected generally from every quarter of the globe, which possessed manufactures, or affected to compete with England. Till the House was in possession of that information, any hasty decision upon the matter would be *ex parte* and premature. Of one thing he felt already perfectly assured, that the law could not remain as it was, and whichever principle ultimately prevailed, whether that of prohibition or free export, the law must be altered in order to enforce it. If the prohibition were to be continued, it was idle to think of maintaining it under the present system, which afforded scarcely the shadow of an impediment to smuggling and contraband trade. The law must not only be simplified, but the articles to which it applied defined, and no longer left to the guesses of a custom-house officer, or the embarrassing discretion of the Board of Trade. Again, if the prohibition were to continue, it was madness to permit the export of the tools, as at present, which was no more than taking the trade out of our own hands to place it in those of our competitors. The House must be prepared either to permit the export of everything in the shape of machinery, or to recall the licence which has already been given for the export of that part; and he did not hesitate to say, that he thought the latter course impracticable, without exciting great exasperation on the continent against English manufactures. If the entire trade were legalized, it would secure its profits to our own manufacturers of machinery, instead of operating as a premium to their continental rivals. But he could only repeat, that the whole question was so vitally important, and yet so complicated, owing to the existing imperfections of the law, that fresh legislation was inevitable, and a committee of inquiry indispensable, in order

previously to decide upon the most safe and prudent course to be adopted. He would support the motion of his hon. Friend.

Mr. *Sheil* had great pleasure, on behalf of the Board of Trade, in acceding to the motion. He had also very great pleasure in finding that the subject was in the hands of gentlemen of such experience, and who so thoroughly understood it.

Mr. *Hume* defended the policy of Mr. Huskisson, as regarded the repeal of the combination laws, and allowing mechanics to go abroad. Mr. Huskisson, though anxious to see the laws repealed which related to the exportation of machinery, had felt himself obliged to recommend that the laws should not be repealed, in consequence of the opposition of the manufacturers of machinery in this country. Had those laws been repealed, the manufacturers of machinery in this country would have been in possession of the whole continental trade for tools as well as machinery—the most lucrative trade, perhaps, in the world. Everything that had since occurred on the subject had proved the correctness of the views of Mr. Huskisson, who was deterred from advising repeal, not from any unwillingness, but from a knowledge of the extent of the prejudice of the manufacturers, with which he had to deal. He had always been convinced that the manufacturers would ultimately see their interest, and now the time was come. If the restrictions were taken off, our manufacturers would supply the greater part of the world with machinery. He hoped that the hon. Gentleman (Mr. M. Phillips), who would no doubt be chairman of the committee, would endeavour so to expedite the report as that a bill could pass the House this Session.

Mr. *Brotherton* entirely concurred in the object of the motion, because, although his own mind was made up as to the necessity of repealing these laws, he thought that inquiry was necessary to remove any prejudice existing in the public mind. He thought that there should be no medium between an entire prohibition and free exportation.

Mr. *Villiers* thought that the removal of these restrictions had now become matter of necessity, and that it would be highly advantageous to the manufacturers. It was admitted on all hands that in several foreign countries there was an alarming rivalry with many of our most important manufactures. The inquiry, therefore, should not be confined to the present

state of the question, but also extend to the causes which produced this rivalry. He hoped that the House would be induced to admit the justice of the present claim, and that they would be induced to allow that what so deeply affected the commerce and manufactures of this country, also affected the very foundation of the prosperity of the country. The laws to permit the importation of machinery were, at the present time, totally inoperative. As a proof of this, he would state, that there was a company at Cambray which undertook to supply any machinery from this country, to be delivered on the Continent, at an additional charge of 25 per cent.

Mr. *Walker* wished to impress upon the attention of the House the gross inconsistency of the present state of the law, for while it admitted the exportation of models of machinery of all kinds, and the materials for machinery, the manufactured article was prohibited: was it, then, not an absurdity to continue the present system? He rejoiced that the question had met with such a favourable reception in the House, and he trusted that ere long they should attain a satisfactory result.

Mr. *Hindley* should not have the slightest hesitation in assenting to the motion, if he was satisfied that the foreign manufacturers would, as was stated, be induced to take all our old machinery, and leave the improved machinery to the home market. He did not believe that that ever could be the case. They, at the present time, paid 25 per cent. more for their machinery than the manufacturers of this country. Would it, then, be an advantage to our producers to remove the restrictions, and give this premium to foreign manufacturers? The question, in point of fact, was, whether they should allow the exportation of machinery to an amount equivalent to the sum annually expended in the employment of it, and in the profits derived from its use. For instance, suppose in a cotton-mill the machinery cost 60,000*l.*, the expenditure in the shape of wages, together with the profits, might be taken at about the same sum. He feared, that if at present they allowed the free and unrestricted exportation of machinery, they would give a key to foreigners of several most important branches of manufactures which were not carried on on the continent. He hoped that the committee would be impartially selected, and not composed

only of those who took a one-sided view of the subject, but that it should be open to free inquiry. His own predisposition was in favour of free trade, and if it were not for the corn-laws and the national debt, he should not object to the removal of every restriction.

Mr. *Muntz*, as a manufacturer and merchant, was anxious to state his opinion, which he should do as shortly as possible. He was for the entire removal of all restraint on the exportation of machinery. He did not, however, altogether agree with the hon. Member and Seconder of the motion, as he thought that the appointment of a committee was altogether uncalled for, and would only be attended with a waste of time, and an unnecessary expenditure. He would venture to assert, that there was not a tool or machine made in this country which could not readily be exported, in spite of all the exertions of the Government to prevent it. The impediments at present thrown in the way of this exportation were nothing more nor less than a bonus to the manufacture of foreign machinery, and therefore so far injurious to the manufacturers of machinery in this country. He thought that the better course would have been, for the hon. Member for Manchester to have at once asked for leave to bring in a bill to allow the free exportation of machinery.

Mr. *Ewart* was satisfied that the prohibiting the exportation of machinery was only driving the foreigner to manufacture his own machines. It would have been of the greatest advantage to this country if a measure for the removal of this restriction had been passed when it was proposed in 1824. It was the opinion of all the authorities of the Board of Customs, that it was impossible to prevent the exportation of machinery, and that the laws that existed on the subject only operated as an impediment, and tended to enhance the price to the foreigner. The amount, then, of this difference of price operated as a premium to the manufacturer of machinery on the continent. Until 1750 there were no restrictions on the exportation of tools or machinery, and no evil was found to have arisen from the then state of things. When the subject was before the House in 1824, Mr. *Huskisson* observed, that as long as they allowed artisans to go out of the country, it was of no use to endeavour to prevent the exportation of machinery.

Mr. *Morrison* thought that great injury had been inflicted upon our manufactures

by not agreeing to the measure on this subject introduced in 1824. The effect had been to deprive us of some most important branches of trade, and above all, of the manufacture of machinery for the world. In consequence of the natural and peculiar advantages which existed in this country, this latter was a species of manufacture of which no country could deprive us. If they had allowed the exportation of machinery when it was formerly proposed, at the present time it would be one of the most important articles of our exports. The result of not doing so had been, that the restriction had operated as a bounty to the foreign manufacturer of machinery, until he was able to compete with us. A few years ago he knew that there was an extensive smuggling of machinery into France, but he doubted very much whether this was the case now. He would suggest to his hon. Friend to extend his motion into an inquiry into the extent and nature of the duties on machinery imported into foreign countries. He also thought that it was a question for consideration, whether they should not impose a moderate tax on the exportation of machinery. If this had been done a few years ago, he had no doubt but that it would have proved highly beneficial to the revenue. He was rejoiced to find that there was no objection to the motion, and he trusted that the inquiry would be of an ample nature.

Mr. *Thornley* did not agree in the propriety of the suggestion just made by his hon. Friend, as to the levying a tax on the exportation of machinery, as the tax would only operate as a bonus to the smuggler, or a premium to the foreign manufacturer of machinery. It would prove highly injurious to have any impediment in the way of exportation.

Motion agreed to.

[THE NIGER EXPEDITION.] Lord *Ingestre* rose to call the attention of the House to the sailing of the proposed expedition from this country to the river Niger. He did not mean to enter into details respecting the policy or expediency, nor would he question the principle upon which the undertaking was founded. His chief desire, at present, was, to direct the attention of the House to the late, and, in his opinion, ill-selected and dangerous period at which the expedition was announced to sail from this country, on its perilous enterprise. Were he even much more competent to go into the details of this measure than he felt

himself to be, he should still consider it unnecessary to trouble hon. Members on those points, as they all came under discussion last Session, when the expedition was sanctioned by a vote of the House. He was also unwilling to disturb the impression that seemed to have been made in the public mind on this subject, since the occurrence of that most numerous, respectable, and influential meeting in London, which gave rise to the present proceeding, and at which an illustrious prince presided. While he could not help considering that very great difficulties were likely to interfere with the execution of the design of the expedition, he was ready to give the greatest credit to the motives of the promoters of it, knowing that their object was the abolition of the slave-trade in Africa, by the planting of colonies and the gradual extension of commercial, agricultural, and other peaceful and humanizing pursuits throughout that great continent. It would appear that from some of those causes that seemed incidental to undertakings of this sort, the expedition was now delayed. Perhaps the cause of the delay was inevitable; but he was given to understand that the starting of the expedition had now been postponed until the remote period of the 1st of April next. Looking at the length of the passage before the vessels could arrive at Sierra Leone, which was the first place they could touch at; seeing also that one of the three vessels composing the little squadron must be towed out by some other ship, it was probable that the expedition would not arrive at that settlement before the middle, or perhaps the end of May next. The vessels would then have to employ some of the natives called Kroomen, and some farther time would no doubt be spent in procuring them, probably not less than ten days or a fortnight. A much later period would have arrived before the expedition could enter upon the recognised objects of its mission. They would reach the coasts of Africa some time in the month of June, at the height of the rainy season, which began in the middle of April and continued until the middle of October, and that period of the rainy season at which he calculated the expedition would arrive, was the most unhealthy of the whole six months. He was told the other night, in answer to a question by the noble Lord the Secretary for the Colonies, that it was necessary the expedition should go out during the rainy season, when the Niger would be

found in a state of flood, and then the vessels would be admitted, or would, at least, proceed up the stream with greater facilities. That might be very true, as stated by the noble Lord, but it appeared to him that they were yet placed in much difficulty, through the want of some certain data as to the state of the river. If it could be shown that vessels commencing operations could, by following a certain indicated channel, beginning at the sea coast, make their way up and get into the interior of the country, then he should offer no objection to the departure of the expedition at the time already mentioned. But when he knew that the Delta of the Niger was at least 200 miles in extent, and that the course of the channel was continually shifting, he feared that the vessels might have to remain some time at the mouth of the river, and the consequent delay might be fatal, particularly from arriving in the most unhealthy season of a pestilential climate. He was sure those apprehensions must have some weight with the House, in considering this important question, which had nothing to do with party objects. Their only object should be, that the money for the expedition should be expended according to the principle on which it had been voted by that House, and that while they endeavoured to eradicate the slave-trade, a humane anxiety should be kept up for the lives of those who were selected to execute the task. Under the circumstances which he had already stated, he would, therefore, ask the Government and the public, whether it would not be better to delay the expedition for some time longer? Would it not be better to employ the vessels already prepared in surveying and exploring services, so as to pave the way for other vessels which should follow at some future season, and endeavour to execute the great objects and views which were now recognized respecting Africa? He confessed, that while he approved the intentions, he had great doubts indeed as to the expediency and practicability of the expedition, seeing what a failure the colony of Sierra Leone turned out, maintained as it had been at great sacrifices of life, while its exports had been very trifling, and not at all commensurate with the money that had been expended by this country. He feared there would be great difficulty in establishing agricultural colonies, and it was to be feared that much trouble would be given by the different tribes the moment a portion

of the country was declared to be our territory. But to confirm his apprehensions as to the great danger of sending out an expedition at this season of the year, he would refer to an account of the voyage of the Ethiopia, in those regions. The Ethiopia was commanded by an experienced captain, who attempted to work up the Niger. His vessel was about the same draught as those employed, that was, about six feet; but his endeavour proved a total failure. This gentleman's crew consisted of twelve men; but the sickness produced by this fatal coast, soon reduced them to five. He tried to enter by the Formosa mouth, but failed, and at last he got in by the Warree. The captain's statement was, that the navigation of the river was difficult throughout; that he had tried to trade with the towns on the banks, but without success; that the whole course of the river was impracticable and unhealthy, and of little importance to the world as a medium of commerce with Africa; that during six months of the year the river was shut up, and during the other six months it was blocked up by rocks and shoals. It seemed to him, therefore, that a trade in heavy articles, such as coffee and rice, the proposed staples could not be carried on in that river. It would only do for the transit of palm-oil, gum, gold-dust, ivory, and other light articles. He trusted, therefore, that the Government would not, for the sake of pleasing a few benevolent men, turn its attention so exclusively to the improvement of Africa, as to forget the welfare of the men who were employed to work out the objects of the expedition. He would conclude by moving for the production of correspondence relating to the Niger expedition.

Mr. M. O'Ferrall said, that when the expedition was first arranged, it was intended that it should sail from this country in October. But since then the Government had learned from Captain Elliott, and other experienced persons, that during the dry season the navigation of the Niger was closed for six months. Consequently the time of departure was changed, in order that the ships should not arrive at the mouth of the river at a time when they could not enter it. The sailing of the expedition was, therefore, postponed until March, in order, first, that the smaller steamers, after crossing the Bay of Biscay, might arrive at the Niger before the dangerous weather broke out, that was at the end of June, and then they would ascend

the river in July, with the first flood of the rainy season. The Gentleman already named had assured the Government, that the rainy season was not the most sickly one.

Mr. Hume was sorry that, not seeing the noble Lord the Secretary for the Colonies, he could not put to the noble Lord a question, to which he (Mr. Hume) received a very unsatisfactory answer a few nights ago. He wanted to know what were the objects of the expedition? Were they to plant a colony and alarm the inhabitants by taking possession of the country? Or was the expedition for the purposes of discovery? If colonization was the object, there should be more ships sent out. He thought they had better postpone the motion until the noble Lord the Secretary for the Colonies was present.

Mr. V. Smith was surprised to hear the hon. Member for Kilkenny now ask the objects of an expedition, towards which, though so sensitive in money matters, he joined in a vote of 60,000*l.* last year. [Mr. Hume: No such thing.] It was a fact. The hon. Member was now asking about the objects and principles of an expedition for which he joined in a vote of the House of Commons of 60,000*l.* last year. His hon. Friend was one of the first to assent last year, and he would have a similar opportunity of raising the question and of voting more money when the estimates for the present Session came on. But really the principle of the expedition was well known to almost every man in this country. It was fully discussed at that very large meeting alluded to by the noble Lord, and more pamphlets and newspaper articles had appeared on this subject than on any other connected with Africa. Now the principle of this undertaking, he would inform his hon. Friend, was to begin at the right end, a step which had not yet been attempted in all the endeavours that had been made to put down the African slave-trade. The present plan was to prevent, by the introduction of commercial relations with the interior of Africa, a continuance in the traffic of human flesh, which would then yield in importance to the new interests that would be created. In other words, having failed in making an impression on the blacks by urging the principles of humanity and generosity, the abolitionists would now proceed upon the most effective of all principles—that was, to persuade the blacks that it was their own interest to discontinue the slave-trade. The

present expedition would not be sent out to found a colony; but it would penetrate into the interior of Africa to establish commercial relations with the chiefs; and if concessions of territory should be offered by them, commissioners would be empowered to treat with them, and an establishment would hereafter be fixed there. But the leading object of the expedition at present would be to examine and inquire. The noble Lord had asked when the expedition would sail; he thought that the Secretary of the Admiralty had satisfied him on that point—[*No, no.*] Then he hoped he should succeed in satisfying the noble Lord. Every attention that was possible was paid to this expedition, with reference to the comforts and convenience of all engaged in it. But the great difficulty which they would have to encounter was this—namely, that the season that was considered the least healthy, was also the season that rendered the possibility of navigating the river the most practicable; for when the water was deepest, was the period when the season was most unhealthy. Every contrivance that could be adopted to prevent the bad effects which were likely to arise from the unhealthiness of the climate would be put in operation; so that he did not consider that the same difficulties would be encountered by this expedition as by the previous ones. Many of the travellers who had gone before upon similar expeditions had not taken the due precautions which were necessary, for they had not the commonest medicines, which they of course required. But this expedition started with every precaution, and with all the chances of success in its favour. If this statement were unsatisfactory to the noble Lord, he was sorry for it, but he thought the noble Lord, notwithstanding his statement of only seeking to be satisfied on one point, had entirely wandered from that one point of asking the time of the departure of the expedition to a series of objections against the whole scheme. He was clearly of opinion, that the question relating to the policy of the scheme itself would have been better discussed at another time. He could not allow the observations of his hon. Friend the Member for Kilkenny to pass unnoticed, as this was not the first time they had been called upon to discuss the principle of the expedition, and as he recollected that the House had already received his sanction for the vote of money for the purposes of this same expedition.

Mr. Warburton said, that it was no

doubt true there was a vote passed in a committee of the House last year for a grant of money for this expedition; but, at the same time, it was also true, that on the same occasion, when this vote had been moved and carried, no discussion whatsoever had taken place upon the subject. His hon. Friend had taken the same credit for the scheme as if the matter had been undertaken after a full and deliberate discussion. It appeared that only a silent vote had been given on the occasion of proposing this grant of money. Now, he would say, that no vote was ever passed on a matter of such consequence with so little consideration, and in which such attention so wholly disproportioned to the magnitude and importance of the expedition was given to the subject. Here was an expedition entered upon to a place from which communication was cut off by water during six months in the year. He believed that, such was the result of the latest observations, and for such an expedition 60,000*l.* was rather a large sum to begin with. The hon. Member said, that they were beginning at the right end. Now if this sum was necessary for beginning the business at the right end, what was to be the sum that would be required after three or four years, when they got settlements in Africa? Looking at the danger that the lives were exposed to which were embarked in this expedition, he must say, that the information received upon the subject was but very slight indeed. He hoped, therefore, that some advantage would be taken of the delay which must occur before the departure of this expedition, to obtain from the Government some more complete information and explanation as to what their real objects were. He was aware he might incur the displeasure of those with whom he generally acted, and who were friendly to this scheme, but he must say, that from the extent of the sum which was obtained, and from the nature of the difficulties that must necessarily interpose, the House was acting a most unjustifiable part in not endeavouring to acquire much larger information upon the subject.

Mr. O'Connell did not think the noble Lord had made out any case to support his objections to the measure, and in endeavouring to prove the probability of its failure, the noble Lord had utterly failed. The noble Lord had commenced by stating, that there was a certain ship commanded by a Captain Bearcroft, which had undertaken the navigation of the

river Niger, but which had failed, and from this fact he endeavoured to show the total impossibility of passing through any of the branches of the river so as to get satisfactorily into the interior. But when the noble Lord had read that letter, it appeared by that same document, that Captain Bearcroft had got much further up than the noble Lord appeared to be aware of. The extract from that letter, which was read, was to this effect, that Captain Bearcroft had got much further up that river than any one else who had ever preceded him. He (Mr. O'Connell) could not make any mistake as to that, and to his recollection, that was the accurate meaning of the extract. It appeared that his hon. Friend, the Member for Bridport, was somewhat displeased at not receiving more information upon the subject, but he would ask that hon. Member, if there was ever any refusal made to give such explanation? No! he (Mr. O'Connell) was not aware that information on the subject had ever been asked. The noble Lord had brought the subject before the House solely with a view of showing that the time which had been chosen for the expedition to arrive near the point of its destination was the most unhealthy. That, however, was a point which he (Mr. O'Connell) thought he had completely failed in establishing. There never, then, was a refusal to give the required information. What, then, was the complaint from the hon. Member for Kilkenny? Why, that it happened by accident that, on one occasion out of twenty years, that hon. Member did not happen to be in his place in this House. Now, he (Mr. O'Connell) thought that every indulgence should be extended to that hon. Gentleman for this single offence; but on this unfortunate occasion, when this grant of money was obtained, the hon. Member for Kilkenny was not then in his place. Now, no one could be ignorant of the main objects of this expedition. It was formed for the purpose of attempting to ascertain whether a favourable system of commerce could be obtained with the interior of Africa. That House had already expended large sums of money for the purpose of putting a stop to the slave-trade; but, as it was stated at that great meeting which was held upon the subject, if they could succeed in this object, to which they wished the public to direct their attention—that is, if they could succeed in estab-

lishing a commercial trade in Africa, the traffic in human beings must necessarily cease, because commerce was the natural introduction of civilisation. At one of the most magnificent assemblies that ever was held in this country—one of the first and most important meetings which ever took place within the present century, and at which for the first and only time in his life he was a silent auditor, the objects of this expedition were there stated plainly and explicitly. And a detail had been made there of facts which rendered it highly probable that a commerce with the interior of Africa would be ultimately established unless physical obstacles should start up which could not be overcome. Now, he thought that it was very well worth their while to lay out 60,000*l.* upon this experiment, and he was contented to rely upon British ingenuity for the most triumphant success. He was rejoiced to see the Government coming forward as pioneers, or to pave the way (as the noble Lord expressed it) for this happy result. He thought that they were called upon to exhibit gratitude to the Government for so nobly coming forward on this occasion with this sum of money; and he hoped that there would be no want of further funds, should they be required, to carry out their views with reference to this expedition; but he was afraid, that if the sum which had already been granted turned out useless, there would be little chance of coming before the House again for more money. He trusted that the information which the noble Lord had given would be thankfully received, and added to what they had already obtained upon the same subject, and that nothing would ever be done to check this grand experiment.

Mr. Hume rose for the purpose of explaining what his intentions simply were. He had merely asked, whether the noble Lord would have any objection to adjourn the consideration of this question to another evening, for the purpose of hearing all the information that could possibly be given upon the matter. He would remark, that it was the first time since he had had the honour of holding a seat in Parliament that he ever heard a Member of the Government, when asked for information upon a subject then under discussion, refer to the speeches which had been made at a public meeting as his answer—that such speeches would inform

him of every particular relating to the subject he wished to be enlightened on. As regarded that same public meeting, he recollected so much of it—that the hon. Member for Dublin had been present at it, but had not been allowed to speak. He had informed the noble Lord, the Secretary of the Colonies, that it was his decided intention to oppose the motion for this grant of 60,000*l.*; but, not having been present at the time it was brought forward, he had not an opportunity of carrying his intention into effect. He begged leave to state, that he considered the expedition had been commenced in utter ignorance of the most necessary facts, for it was now admitted that the parties engaged in it were to have sailed in October last, but they had since found that they could not sail until the month of March. So much for their information on the subject. Then, with regard to the objects which they had in view. They were fully agreed upon the point, that commerce was the best means of putting an end to slavery, but he denied that they were adopting the best means of establishing commercial relations with the interior of Africa. How could sailors or seamen effect this object? They should rather have made merchants the parties for bringing about such a desirable conclusion. He thought that Government were beginning at the wrong end—they might do much mischief, but it was impossible they could do good. He wished to know whether any instruction had been as yet received as to the particular objects of discovery, and as to the purposes upon which they were going? They ought to have had every instruction possible to be obtained upon the subject; but so far from that being the case, it was quite evident the Government were in a state of profound ignorance upon the matter.

Mr. *Hawes* said, accustomed as he was to pay every respect to what generally fell from the hon. Member for Bridport, yet he could not allow him to put forward the statement he had made, without inquiring from him his authority. [Mr. *Warburton*: Jameson's pamphlet.] He thought as much, but it might happen that that gentleman's own interest might have interfered to influence him in the opinions which he had given with reference to the African trade. The whole scope and objects of this expedition had been laid before the House last February. The

hon. Member for Bridport had said, that there never were objects of such magnitude entered upon with such slender means; but he would say, that there never was any great colony yet founded with means so ample. But that hon. Member continued to say that this was a very great colonial undertaking entered upon with little means and less information. Now, with regard to the information, he held in his hand a paper, dated the 8th February, 1840, and which was signed by the noble Lord, the present Secretary for the Colonies. It was a letter from Lord John Russell to the Lords Commissioners of the Treasury. It sets out by detailing the principal object they had in view, which was to prevent the continuance of the slave-trade, which it stated had been extensively carried on in Africa, and which no marine force was found capable of putting down. Another object which it stated was the cultivation of commercial relations with some of the African chiefs. Another object stated, was the admission on favourable terms of their goods and manufactures. These, then, were the declared objects which they had in view, and as to the sum of money which had been voted to carry out those objects, the money at present spent to put down slavery by steam-boats and other vessels was ten-fold greater than the sum granted for this expedition. Was it not, then, worth their while to make this experiment? He principally rose to say, that they had here ample information and plenty of money to carry out their views, and many as great objects had been effected with means much less.

Viscount *Ingestre*, in reply, said he was glad the hon. and learned Member for Dublin had called his attention to another matter. It was stated by Mr. *Fowell Buxton*, that this expedition should advance to the distance of 2,500 miles up the Niger. Now Captain *Bearcroft* had only been able to go the distance of 500 miles up the river, and then found the obstacles that met him so insurmountable, he could get no further. He thought, that the Government should postpone this expedition; if they did not, the money which had been voted for it would be completely thrown away. They should use some part of it in exploring and pioneering the way for the expedition to go out on the following year. There was no immediate haste for it. It was better not to undertake it at all than

to perform it ineffectually. Much useful information might be gained by deferring it to some other time. At all events, they should possess the advantages of knowing where they were going to. He was not by any means satisfied with the information which he received, or the explanation which had been attempted to be given him. It appeared, that all the information they had as yet received was from Captain Allen, who might be a very competent person to give instructions upon the subject, but he thought, that there were many other men equally competent to speak upon the subject. He thought, that, when the Government had received a little more information upon the subject, they would see the inexpediency of sailing at the time proposed. If this vote should be asked to be renewed, he thought it most probable, that he would give it his determined opposition.

Admiral *Adam* said, his noble Friend had sought all information upon the subject, upon the best authority. The former expedition had, by attempting to enter the river in April, and afterwards in May, when the water was low, been compelled to remain in the Delta, to the great injury of the health of the crews of the vessels composing the expedition, which it was hoped would this year be avoided by entering the river later, when there was a greater depth of water for steam navigation.

Motion withdrawn.

REGISTRATION OF VOTERS (SCOTLAND).] The *Lord Advocate* moved for leave to bring in a Bill to amend the Registration of Voters in Scotland. He proposed to establish one appeal court for registrations for the whole of Scotland. It was to consist of barristers of seven years standing, to be named by the Speaker, and to sit in Edinburgh. He proposed to give no appeal on matters of fact to this court, but only on questions of law. The bill also contained clauses relative to costs in cases of appeal. He proposed that when the right of a voter had once been established, he should not be removeable from the register except for matters occurring subsequently to the registry. In cases where the value of premises giving a title to vote had been established, he proposed that no proof of subsequent alterations of value should disfranchise the party so long as he retained possession of the premises or property which gave the right. An annual revision, which would compel

a voter to establish his claim afresh every year, seemed to him a thing so monstrous, so really an instrument for vexation and oppression that he could not think of adopting it. Lastly, he proposed to introduce clauses defining fictitious votes, and if there was any sincerity in the declaration which had so often been made against fictitious votes, he was sure that those who made them would agree with him as to the necessity of some such definition to prevent the present frauds and abuses. The hon. and learned Gentleman concluded by making his motion.

Mr. *Shaw* objected to the intended court of appeal, as being likely to be unsatisfactory, if no matter could be inquired into before that tribunal, which had transpired or taken place before the claimant of the suffrage had been placed upon the registry.

Mr. *G. Hope* would be glad to concur in any measure which would put an end to the existing evils of the system of fictitious voting.

Mr. *F. Maule* said, it was notorious that the Reform Bill of Scotland required some such bill as this to remedy the practice of taking vexatious objections to persons who had been for years undisturbed on the roll, in the hope of removing them, in their absence and without being able often to obtain a hearing in defence of their franchise.

Leave given.—Adjourned.

HOUSE OF COMMONS,

Thursday, February 18, 1841.

MINUTES.] Bills. Read a first time :—Lease and Release.

—Read a second time :—Constabulary.

Petitions presented. By Colonel Rawdon, Mr. Redington, and Mr. O'Connell, from Down, Dundalk, Killucan, Rathfarnham, and Munster, in favour of Lord Morpeth's Registration Bill; and by Mr. Litton, and Colonel Percival, from Cahir Cashel, and Mayo, for Lord Stanley's Irish Registration Bill.—By Mr. B. Hall, from Marylebone, for the repeal of Window Tax Duties.—By Sir G. Sineclair, from a place in Caithness, for the Abolition of Church Patronage.—By Mr. Green, from the Lancaster and Preston Railway Company, against the taxation levied on Railways.—And by Mr. Hawes, from St. Mary, Newington, for the distribution of the Fund appropriated for Metropolitan Improvements.

MONUMENT TO SIR SIDNEY SMITH.]

Sir *F. Burdett* rose for the purpose of withdrawing the motion he had given notice of with reference to the presentation of an address to her most gracious Majesty, that she would be pleased to

direct the erection in St. Paul's Cathedral of a monument to the memory of the late Sir Sidney Smith. He was induced to adopt this course in consequence of his having understood that the subject would be brought forward by another hon. Member, into whose hands he (Sir F. Burdett) meant to leave it, as that hon. Gentleman was better able and far more competent to discharge that duty.

TEXAS.] Mr. O'Connell begged to inquire of the noble Lord the Secretary for Foreign Affairs, whether he could give the House any information as to when it was probable that the Treaty with Texas would arrive?

Viscount Palmerston replied, that the treaty had been sent to Texas three months ago, and that he hoped it would be ratified by the Congress in the course of the month of January; as yet, however, it had not been received in this country.

Mr. O'Connell under those circumstances, begged to withdraw the motion of which he had given notice for that evening, for "An address for the production of any treaty between her Majesty and the persons called the State of Texas, and to call the attention of the House to the state of the relations between this country and these persons;" and to give fresh notice that he would on that day fortnight, call the attention of the House to the state of the relations between this country and the States of Mexico and Texas.

Motion withdrawn.

CANADA—SEMINARY OF ST. SULPICE.] Mr. Pakington, before the notices of motion were proceeded with, begged to put a question to the noble Lord the Colonial Secretary, upon a matter of some importance as connected with Lower Canada. He would remind the noble Lord that on the 29th of January last certain ordinances, passed by the Government and Council of Lower Canada, were placed on the Table of that House. He wished to ask whether the ordinance relating to the seminary of St. Sulpice was included amongst those so laid upon the table; if so, whether it was necessary that that ordinance should be before Parliament for the space of twenty days prior to any step being taken by Parliament in reference to it; and whether those twenty days were to count from the time at

which the ordinance was laid on the Table, or from the time at which it might be printed and circulated?

Lord John Russell stated, that amongst the ordinances laid on the Table of the House, on the 29th January, was included the ordinance respecting the seminary of St. Sulpice, and that the space of twenty days, during which the House was precluded from entering upon the subject, would count from the day on which the ordinances were laid on the Table. With respect to the printing of the ordinance relating to the seminary of St. Sulpice, it was not usual that documents of that nature should be printed.

Mr. Pakington, under those circumstances, felt bound to ask the noble Lord whether it was his intention to have the ordinance printed.

Lord John Russell: I shall make no objection to its being printed; but it is not my intention to move that it be printed.

Sir R. Peel thought, that although the noble Lord was not bound to print the ordinance, yet that he certainly was bound to give a notification of its being laid upon the table.

Lord J. Russell could not conceive how a more public notification could be given, than bringing the ordinance up to the Table of the House, laying it upon the Table, and inserting the fact of its being so laid upon the Table in the votes and proceedings of the House.

UNION OF THE CANADAS.] Sir R. Peel wished to ask the noble Lord whether any despatches had been received from the Canadas of a later date than those laid before Parliament in the course of the last Session; and especially whether the Colonial-office had recently received any respecting the union of the two provinces.

Lord J. Russell replied, that despatches had been received within the last two days from the Governor-general of Canada, stating that there had been some delay in the proclamation of the union; but that he expected to proclaim it on the 8th or 9th of this present month of February. There would be no objection to lay the despatch relating to that subject on the Table of the House; but he did not think that the despatches received during the recess contained any matter of such public interest as would call for their production. There were, however, some recent despatches relating to emigration, and con-

taining some very valuable information, which it was his intention to lay before Parliament.

OFFICERS OF LAW COURTS — (DUBLIN.)] Mr. *Shaw* wished to ask the noble Lord the Secretary for Ireland, whether it were the intention of the Government to introduce any measure relating to the officers of the superior courts of law in Dublin, so as to place them in the same situation as the similar class of officers in Westminster-hall, particularly with respect to superannuation allowances.

Viscount *Morpeth* replied, that the Government was quite friendly to the principle of assimilation between the salaries and superannuations of law officers in England and Ireland. But the Treasury had thought it right to institute some inquiries as to the mode of proceeding, and the scale of payments in the Irish law courts. Until the result of those inquiries was ascertained, he should not be prepared with any proposition upon the subject.

INTERNATIONAL COPYRIGHT.] Viscount *Mahon* reminded the noble Lord the Secretary for Foreign Affairs of the assurance he had last year given the House upon the subject of international copyright, and begged to inquire whether the noble Lord still kept that subject in sight, and whether there was any probability of the negotiations into which he might have entered in reference to it, being brought to a speedy and favourable close.

Viscount *Palmerston* said, that if the noble Lord had had the kindness to give him notice of his intention of putting the question, he would very gladly have answered him. Speaking upon the moment he could only say that he did not think that any of the negotiations had yet come to a conclusion. He would, however, inform himself more particularly upon the subject and reply to the question to-morrow.

LIGHTNING CONDUCTORS—MR. SNOW HARRIS.] Lord *Eliot* hoped he should receive the indulgence of the House whilst he called its attention to a subject in which much interest was generally felt. It might be recollected, that in the month of April, 1839, he (Lord *Eliot*) moved for the appointment of a committee to inquire into the merits of the plan of Mr. Snow Harris, for the protection of ships from the effects

of lightning. It might be recollected also, that the House was disposed to accede to that proposition, that it was assented to by the hon. Member for Halifax (Mr. Charles Wood), at that time Secretary to the Admiralty, and that it would undoubtedly have been adopted but for a suggestion that came from the right hon. Baronet, the Member for Tamworth (Sir Robert Peel), who proposed, that instead of the appointment of a select committee of the House, a commission of inquiry should be issued by the Admiralty. In consequence of that suggestion he (Lord *Eliot*) withdrew his motion, and left the matter entirely in the hands of the Admiralty, by whom a commission was shortly afterwards appointed, consisting of A. M. Griffiths, rear-admiral; James A. Gordon, rear-admiral; James Clarke Ross, captain; J. F. Daniell, professor of chemistry; and John Fincham, master shipwright. The commission was thus composed of a number of naval and scientific persons, who entered into a thorough investigation of the subject, sat nineteen or twenty days, and examined a great number of witnesses, amongst whom he found the names of Captains Fitzroy, Turner, and Chappell, Professors Wheatstone and Faraday, and Sir William Symonds. These Gentlemen came to a unanimous declaration in the following words:—

“Having now completed our remarks on the several points to which their Lordships’ instructions directed our attention, we trust we have shown from the evidence of facts, derived from the experience of many years, as well as by the opinions, not only of scientific but of professional men, the efficacy of Mr. Harris’s lightning conductors; and, considering the number of lives which have been lost by lightning, the immense amount of property which has been destroyed, as shown by Mr. Harris, and is still exposed without adequate protection; the inconvenience which has arisen, and is still liable to arise, from the loss of the services of ships at moments of great and critical importance: the difficulty of procuring new spars in times of war on foreign stations (not to mention the great expense of wages and victuals for the crews of ships while rendered useless till repaired); we again beg leave to state our unanimous opinion of the great advantages possessed by Mr. Harris’s plan above every other plan, affording permanent security at all times, and under all circumstances, against the injurious effects of lightning, effecting this protection without any nautical inconvenience or scientific objection whatever; and we, therefore, most earnestly recommend their general adoption in the Royal navy.”

Independent of the Gentlemen whose

names he had mentioned, the commissioners received letters, commending in the highest terms the invention of Mr. Snow Harris, from Sir Byam Martin, Sir George Cockburn, Captain Laws, Captain Smith, Admiral Carden, and many other officers, of much eminence, much scientific knowledge, and much practical experience in the navy. It appeared to him to be quite impossible for anything to be more conclusive than the report founded upon the evidence taken before the commissioners. It now became his duty to inquire from the Admiralty what steps had been taken in consequence of the recommendation of the commission? If he were rightly informed, the Admiralty did not consider the experiments which had already been made during a period of ten years with uniform success, nor the opinions of all the practical and scientific men to which he had referred, sufficient to induce them to adopt the plan recommended by the commission. He understood, that they were disposed to enter upon further experiments. It was true, that they had applied Mr. Snow Harris's conductors to some ships, but they had withdrawn the execution of the plan altogether from the superintendence of the inventor. By this means a considerably larger expense was incurred; and at the same time the injustice was done to Mr. Harris of depriving him of the advantage given to every inventor of superintending the application of his own invention. They had also fitted many of her Majesty's ships with conductors invented by Mr. Edye, whose plan only differed from those already in use, inasmuch as it pilfered from the plan proposed by Mr. Harris. If the Admiralty held, that the experiment had not been fully tried, he should have a strong case against them. Something might possibly be said on the ground of expense; that subject, however, had been fully dealt with by the commissioners, who stated it as their opinion, that no solid objection had been urged on that head. Undoubtedly the expense of the improved conductors would be somewhat greater than that of the inefficient conductors now in use; but when they considered the cost of a line-of-battle ship, which amounted to upwards of 100,000*l.*, and the possible loss of lives which might happen in consequence of her being struck with lightning, he thought they would be of opinion, that 300*l.* was not an enormous sum to be paid for an efficient conductor. That was the extreme sum which it would cost, and for that cost

the conductor would be applicable for an unlimited period, and might afterwards be sold for old copper, so that the actual expense would not amount to that sum. Mr. Harris was not unknown in the scientific world. It was one of his papers that had led to the formation of the new compass now in use in her Majesty's service. He (Lord Eliot) held in his hand papers which that gentleman had contributed to philosophical works. He had devoted a large portion of his time and uncommon abilities to the prosecution of these researches, and in doing so he had brought to light a means of securing to the navy of England one of the most formidable engines of warfare. He had been subjected to an examination before the committee of the Royal Society, consisting of such men as Wollaston, Davy, Young, and many others whose names he could mention, and after the full and satisfactory experiment which had been made, it was rather hard, that when he came to the Admiralty and asked, not for large grants of money, but for a reasonable and fair compensation for his labour and expense, the Admiralty should turn upon him and say, "we admit, that you have the merit of drawing attention to the subject, but we do not admit that you have any other merit whatever." It appeared to him (Lord Eliot) that this was not only cruel, but unjust. It was but a few nights since, that a pension was proposed to be granted to a distinguished officer in her Majesty's service—a pension of no inconsiderable amount. That night they had a notice on the paper, of a proposition for erecting a monument at the public expense to Sir Sidney Smith. God forbid that he should grudge any reward to the living, or any honour to the dead if they had deserved well of their country; but he could not think, that the labours of science or the triumphs of philosophy were to be held as of no account. Nor did he expect, that that view would be entertained by the right hon. Gentlemen opposite, because he knew, that many liberal rewards had been dealt out to literary and scientific individuals. He had a list in his hand of gentlemen who had been thus selected for reward by her Majesty's Government; and though he would not mention any individual, or make any invidious comparison, he believed, that on that list there was no man who was more richly entitled to such a reward than the gentleman whose claims he was now feebly endeavouring to advocate. He would not detain the House

any further, but would conclude by moving,—

“That it appears to this House, that a commission was appointed, in May, 1839, by the Lords Commissioners of the Admiralty, to inquire into the plan of William Snow Harris, Esq., F. R. S., for the protection of ships from the effects of lightning. That the report of that commission, which was presented to this House by command of her Majesty, on the 24th day of January, 1840, contains the following recommendation: ‘Having now completed our remarks on the several points to which their Lordships’ instructions directed our attention, we trust we have shown from the evidence of facts, derived from the experience of many years, as well as by the opinions not only of scientific, but of professional men, the efficacy of Mr. Harris’s lightning conductors, and considering the number of lives which have been lost by lightning; the immense amount of property which has been destroyed, as shown by Mr. Harris, and is still exposed without adequate protection; the inconvenience which has arisen, and is still liable to arise, from the loss of the services of ships at moments of great and critical importance; the difficulty of procuring new spars in times of war on foreign stations (not to mention the great expense of wages and victuals for the crews of ships while rendered useless till repaired); we again beg leave to state our unanimous opinion of the great advantages possessed by Mr. Harris’s plan above every other plan, affording permanent security at all times, and under all circumstances, against the injurious effects of lightning, effecting this protection without any nautical inconvenience or scientific objection whatever; and we therefore most earnestly recommend their general adoption in the Royal navy.

“We have, &c.

(Signed) ‘A. M. GRIFFITHS, rear-admiral.

JAMES A. GORDON, rear-admiral.

JAMES CLARKE ROSS, captain.

J. F. DANIELL, prof. of chemistry.

JOHN FINCHAM, master shipwright.’

“That a humble address be presented to her Majesty, praying, that she will be graciously pleased to direct, that this House be informed whether any and what measures have been taken for giving effect to this recommendation.”

Mr. *More O’Ferrall* said, that as there could be no possible objection to the motion of the noble Lord, he should not have thought it necessary to trouble the House with any observations if the speech of the noble Lord did not seem to imply a considerable censure upon the Admiralty. He did not deny that great merit was due to Mr. Harris for the exertions which he had made during the last fifteen or sixteen years to draw the attention of her

Majesty’s Government to the danger to which ships were exposed from lightning, and not only for calling the attention of the Government to that subject, but for his writings and lectures, which had gone far to remove the prejudice which seamen formerly entertained against having any lightning conductors whatever. It was owing to the exertions of Mr. Harris that the commission was appointed about two years ago to inquire into the best mode of protecting ships from the action of the electric fluid; by the report of that commission one important fact was established, that whereas unprotected ships were liable to injury, and, in many instances, were seriously injured, ships having conductors, even the most imperfect, invariably escaped. A very remarkable instance of this occurred in the case of the New York packet which, though fitted with only a very imperfect conductor, escaped from most severe lightning—the conductor itself being completely fused. The commissioners pronounced Mr. Harris’s to be the best of the three kind of conductors submitted to their investigation, and there the duty of the commissioners ended. But the cost of Mr. Harris’s plan was very considerable. Hence it became the duty of the Admiralty to ascertain whether a system of conductors might not be introduced into the navy, avoiding the defects of the old system, and combining as much as possible of the new at a very considerable reduction of expense. On the assembling of the commissioners, Mr. Snow Harris laid before them an estimate of the cost of the different lightning conductors that he proposed, take, for instance, a second rate, which, according to Mr. Snow Harris’s plan, would cost 350*l*. The scientific gentlemen on the commission had ascertained that the size of the conductor could be reduced, by which the expense would be lessened to 246*l*.; and by giving credit for the value of the copper when returned into store it was found, that the expense might be further reduced to 119*l*. The Board of Admiralty, before deciding on Mr. Snow Harris’s conductors, wished to see if they could not adopt some mode by which they might avoid the evils of old conductors, at a less expense, and they adopted part of the French plan, part of Mr. Snow Harris’s, and part of Mr. Edye’s. It had since been discovered that it was not necessary to introduce any of Mr. Snow

Harris's plan. The plan which was now adopted by the Admiralty would cost only 62*l.* and if credit be allowed for copper wire returned into store, it would be reduced to 30*l.*, and equally efficient as the more expensive plan of Mr. Snow Harris. With respect to the reward claimed for Mr. Snow Harris, if such pretensions were admissible, the House would find them reach an indefinite amount. There was placed at the disposition of the Board of Admiralty a sum of 1,000*l.*, for the purpose of rewarding authors of useful inventions. The board having partially adopted Mr. Harris's invention, that gentleman was certainly entitled to claim a portion of this reward; but it was totally impossible out of so small a sum, to remunerate Mr. Harris according to his estimated merit, his claim amounting to 6,000*l.* or 7,000*l.* If every successful inventor were to be rewarded by Parliament, there would be no end to claims made upon its liberality. The Admiralty did not consider themselves bound to reward every invention, but only such as they deemed it desirable to adopt. If Mr. Snow Harris's plan had been finally adopted, most undoubtedly that gentleman would have been entitled to fair compensation; and it would have been the duty of the individual holding his (Mr. O'Ferrall's) situation to have proposed it to the House; but while the invention was still under experiment, he thought it would be premature in the House or in the Admiralty to say, that Mr. Harris was entitled to reward to the extent claimed by him.

Lord *Ingestre* could understand the reluctance of the Government to come before that House with proposals for making grants of the public money, but he could not comprehend why the Board of Admiralty, after the elaborate report of the commission on Mr. Harris's plan of constructing lightning conductors, and the unqualified and unanimous approval recorded by the Members of that commission, should have experienced any difficulty in adopting a plan based on such scientific principles, and in rewarding adequately its inventor. The hon. Member, the Secretary for the Admiralty, had told the House that the reason for their not doing so was, that there were other kinds of conductors under consideration. But it was not fair to Mr. Harris to mix other plans with his. The hon. Member had also stated, that safety existed where any

metallic conductors were used on board ships; but, with all deference to the hon. Member, he would venture to assert, from experience, that the conductors now in use on board her Majesty's ships of war were worse than useless, for they attracted the lightning without carrying it away. Was, he might ask, the expense of a conductor to be put in comparison with the safety of the ship and her crew? The value of a first-rate might be computed at 100,000*l.*; and was her safety to be endangered for the sake of saving sixpence per cent. on that amount, which would be found to be the proportion? He could not look upon the reply of the hon. Member to be satisfactory. There was some under current of proceeding towards Mr. Snow Harris, which would not bear exposure. He could refer to a letter from Mr. Harris, wherein that gentleman stated, that he had, at the advice of a friend, applied, by letter, to the noble Earl at the head of the Admiralty, and in answer to his claim for remuneration of his services to his country by his invention, he received a caustic reply, the purport of which was, that the Board of Admiralty could not grant him the compensation which he sought in return for having drawn attention to the subject of protecting ships of war from the effects of lightning at sea. So that all the encouragement which this meritorious and scientific gentleman was to receive at the hands of his country, if the Admiralty was to be the dispenser of rewards, was a dry, scarcely civil letter, like that which he had described. A solution much more easy of the difficulties created by the Government in the way of granting a reward to Mr. Harris might be found in political causes, and in the fact that others who entertained different political opinions had influence enough to get their plans adopted. Mr. Harris had not thought it right to support the views of the Government, and he (Lord *Ingestre*) could not help thinking that, after such a report on the merits of his invention as had been made by the competent persons whose names were attached to that document, some strong political feeling existed to his prejudice on the part of the Ministry. He, however, must express his satisfaction at finding that no opposition was offered to the motion, and he trusted the effect would be to obtain justice to a most deserving individual.

Mr. Warburton observed, that there was some confusion in the manner in which the present motion was brought before the House, for it involved two distinct questions—the first of which was, why, after such a favourable report had been made by those appointed to examine the nature and value of Mr. Snow Harris's invention, conductors upon his plan had not been adopted in her Majesty's ships; and the second question which had arisen was, why, after such an unqualified admission of Mr. Harris's merits, he had not been adequately compensated? Now, when this subject was last before the House, there was no question as to the adequacy of metallic conductors to afford protection to vessels at sea; that was generally admitted; the only question mooted was, whether such protection was necessary at all times, and which was the best metallic conductor. What did the report of the commission, expressly appointed to examine the subject, say? Not only that Mr. Harris's conductor was good, but that it was superior to every other that had been invented. The hon. Gentleman the Secretary to the Admiralty had told the House that other plans besides Mr. Harris's had been under consideration before the Board of Admiralty, and that the merits of these various proposals were still undergoing investigation. The hon. Member the Secretary to the Admiralty had gone much further than that, for he had thrown a doubt over the utility of all metallic conductors, by informing the House that the York packet had been protected during a thunder storm at sea from the effects of a second stroke of lightning, notwithstanding a first stroke had fused her metallic conductor.

Mr. M. O'Ferrall explained, that what he meant to say, if he had not so stated, was, that the second stroke had fused the conductor, and the inference which he had drawn was, that any metallic conductor afforded a degree of security to a ship at sea in a thunder storm.

Mr. Warburton: The question, however, at issue was, whether it was not prudent to have a conductor at all times on board ships, and whether it was not possible, by their size, to provide against the risk of their being fused by the electric fluid, and thus endangering the safety of the ship. That would entirely depend on the strength of the electric current, and the merit of Mr. Harris's plan for providing

ships with conductors was, that whatever might be the amount of the electric fluid the ship was safe. He had listened with some apprehension to the proposition which had been made to reduce the extent of the metallic conductors, with a view thereby to facilitate the working of the vessels, because no one could calculate on the extent of the stream of electric fluid which might at any time strike a vessel. The great merit, in his opinion, of Mr. Snow Harris's plan, was, that notwithstanding its great extent of metallic conductors, it did not interfere with the management of a ship. However successful any plan proposed for this purpose might be, the Secretary to the Admiralty might, if he pleased, come down to that House and say, that other experiments were in operation to which it was expedient to give a trial before the adoption of the plan in question. From what he saw of the report of the commission appointed to examine into this matter, he thought that Mr. Harris's plan ought to be adopted, and that Mr. Harris ought to be remunerated for his labours and discoveries when they had been used for the benefit of the navy. He should wish to know whether those other experiments alluded to had been referred to the commission appointed to report on this matter. If that had been done, it would have been the fair mode of judging of Mr. Harris's plan, otherwise they were not doing that gentleman justice. He thought the noble Lord who had introduced the present motion had fully made out his case, and, for his own part, he thought Mr. Harris was fully entitled to a reasonable, but not exorbitant, compensation from the country for the services he had rendered, and the expense he had been at.

Sir R. Peel said, when his noble Friend had at first proposed that a committee of that House should be nominated to inquire into and report upon Mr. Snow Harris's plan for preserving vessels from the evil effects of lightning, he had suggested that the most proper tribunal to appoint for that purpose would be one composed of naval and scientific gentlemen, who by their superior knowledge could form the best and most correct judgment of the comparative merits of all the plans submitted to them. This suggestion had been accordingly adopted, and a commission had been appointed. Now it was perfectly open to the Admiralty, if they

pleased, to object to the appointment of this commission at the time. But they had consented to it. They had in their own hands the appointment of the commissioners; and though he did not affirm that they were bound by all the recommendations of the commission, yet they should pay some deference to them. He thought that the Admiralty incurred a very great responsibility in refusing to adopt the recommendations of that commission, on the mere ground that that course might be somewhat more expensive than another. The recommendations of that commission were based upon the clearest and most direct testimony, and it was decidedly in favour of Mr. Snow Harris's plan, in preference to any others. There was also the evidence of that most distinguished officer, Captain Fitzroy, of the *Beagle*, than which nothing could be more conclusive in his mind. That was the case of an officer of considerable experience and great intelligence, giving the result of his own observation. That officer was employed in a most arduous service in a small vessel, for a period of five years, under all varieties of climate, and, in his letter to the Admiralty, this was the manner in which he spoke of Mr. Harris's invention :—

“ Having given the lightning conductors of Mr. Harris a considerable trial during the *Beagle's* last voyage, I believe it is proper to transmit to you the accompanying report.— ‘ Previously to sailing from England in 1831, the *Beagle* was fitted with the permanent lightning conductors invented by Mr. W. S. Harris. During the five years occupied in her voyage, she was frequently exposed to lightning, but never received the slightest damage, although supposed to have been struck on two occasions. At each of these times, at the instant of a vivid flash of lightning, accompanied by a crashing peal of thunder, a hissing sound was heard distinctly on the masts, and a strange, though very slightly tremulous motion in the ship herself, indicated that something unusual had happened. No objection which appeared to me valid was raised against them, and were I allowed to choose between having masts so fitted, and the contrary, I should decide in favour of those with Mr. Harris's conductors. Even in such small spars as the *Beagle's* royal masts and flying gib-boom, the plates of copper held their places firmly, and increased, rather than diminished the strength of the spars.”

When they saw how strongly recommended Mr. Harris's plan was by the experienced and excellent officer to whose evidence he had briefly alluded, they could

not but think it rather extraordinary that the Admiralty, from experiments of their own, should altogether set aside a plan so strongly recommended. It appeared, that the sole objection which the Admiralty urged against the adoption of Mr. Snow Harris's plan was, that they had found other conductors that might be used at a considerably less expense. But how could they get over the report which the commissioners agreed to, where they distinctly said,—

“ We have considered all these plans, and have come to the conclusion that Mr. Snow Harris's plan has a decided superiority over all the others, and we most distinctly state our unanimous opinion of the great advantage possessed by it over every other.”

That was the recommendation of the commissioners; and then, without recurrence to any other supposed plans which, in the opinion of the Board of Admiralty, might hereafter be found successful, he could not but think that, having appointed that commission, if they did not show a sufficient reason for acting otherwise, they were bound by a consideration of what was due to the navy as well as to the officers and scientific men employed upon that commission to adopt the recommendation which they had made. The hon. Gentleman had referred to the case of the *York Packet* as a proof that an ordinary conductor was sufficient to carry off safely the electric fluid. It was possible that a conductor erected at the time might serve the purpose intended, but it did not follow that the same conductor, after having been exposed for years, would answer the purpose as well as when it was first erected. Speaking exclusively, then, in reference to the public interests, he thought, if the invention was a security to the navy, the inventor ought to be rewarded. He would say nothing as to the amount of the compensation which Mr. Harris ought to receive. He would reserve his opinion on that point, but he trusted they would not withhold any expenses which might be necessary to give every security to the navy.

Sir T. Cochrane said, this question had very properly been characterised by the noble Lord who had introduced the present motion as one of the greatest importance. Indeed, no one who had not personal experience of the dangers to which vessels were subjected from lightning, or were not acquainted with the effects of

the electric fluid striking a vessel unprovided with conductors, could form an idea of the importance of this matter, or the great inconvenience felt from the absence of conductors. They should take into consideration that sometimes a thousand men might be existing over a magazine which, in a moment, might be blown up, and this too when the vessel was hundreds of miles from land. One flash of lightning might send a thousand men to their graves. The conductors formerly used were chains from the mast head into the water; and it was at times next to an impossibility to keep these always immersed in the water, so as to lead the danger away from the ship. As far as he could understand, and had read the evidence taken before the commission appointed to examine into this affair, it had appeared that no other conductor had been proved so useful or so convenient as Mr. Snow Harris's. He (Sir T. Cochrane) remembered on one occasion in the West-Indies, when a man had been sent with a chain to put to the mast head, to guard against a thunder storm, the man had been struck down on the quarter-deck, and the chain had been dashed out of his hands. Many a vessel had sailed from port, had had her crews hurried to an untimely end, and never been heard of, in consequence of her having no conductors. He thought they were bound to follow the suggestions of those experienced and scientific men, who were so well acquainted with the nature of electricity. With regard to the expense of the plan, that was not so much an object when the safety of the men and the preservation of the ships of her Majesty were concerned.

Sir R. Inglis thought it was rather extraordinary that so many hon. Gentlemen in that House, who differed upon so many other matters, should have concurred in opinion upon the present subject of discussion. This was purely a matter concerning the advancement of useful science, and was one amongst the few that he and the hon. Member for Bridport thought alike on. He had, completely uninfluenced by any political motives, either in or out of that House, given the present subject his most careful investigation, and he had no hesitation in saying, that it appeared to him that Mr. Harris's plan was universally approved of. Now, if there was such a concurrent testimony in its favour, of men on all sides of the House, he did

not think they would refuse 20,000*l.*, even if such a sum should be found necessary, to put the entire navy of this country in such a state as would secure both the men and the vessels from consequences that otherwise might be most fatal and injurious. The discovery was a most useful and important one; and, if it was used, he did not see that that House would refuse to give the inventor the reward which was his due.

Sir C. Lemon could not well understand the answers which the Secretary to the Admiralty had given either in that House on the present motion, or that which he had been directed, in his official capacity, by the Board of Admiralty, to give to the letter requiring compensation which Mr. Harris had written to that department. In the answer alluded to it had been acknowledged, indeed, that Mr. Harris had been the first to direct attention to this subject. If that was indeed only what Mr. Harris had done, he might be entitled to some remuneration, but Mr. Harris had done much more than that. He had discovered the best method of obviating the danger. The commission had stated that distinctly in their report. It had been said, indeed, that the reason why he was not rewarded was, that the experiments the Admiralty were carrying on had not been yet perfected. Now, what were the facts of the case? Twenty years ago Mr. Harris had drawn attention to this matter, and now for ten years his plan had been adopted in the navy. No improvement had been suggested upon this plan until Mr. Harris had called upon the Admiralty to reward him for his discovery, and compensate him for the actual losses he had been at in perfecting his invention. At the time he had laid the matter before the Admiralty, he had been told that it would be necessary to wait until they knew what the result of it would be. That period of delay had now lasted ten years, during which time Mr. Harris had lost from between 2,000*l.* to 3,000*l.* in perfecting the plan, yet the Admiralty now turned round on him when he applied for compensation, and told him they were trying some other experiments, and that they could not give him anything, as in the course of time something might turn up which would make his invention useless. One word with regard to the plans then trying. There were eight ships to be sent out with Mr. Harris's, and eight

with other conductors. Now, supposing in the first instance Mr. Harris had taken out a patent, as he had every right to do, for his plan of conductors, it could not be adopted in any case without remunerating him. The conduct which the Government had pursued with respect to Mr. Harris was calculated to cast a damp upon the zeal and exertions of scientific men. He hoped the Government would tell the House at once whether they meant to acknowledge the claim which the services of Mr. Harris for ten years so justly gave him, or whether they meant to postpone the matter indefinitely.

Captain *A'Court* expressed his astonishment that the Admiralty should hesitate, for one moment, to acknowledge services which had been so favourably spoken of by a commission appointed to inquire into the matter, and recommended by the most experienced naval officers. The Admiralty would incur a serious responsibility if they did not immediately give an order for fitting these conductors to every ship in the navy.

Sir *C. Adam* said, the hon. Gentleman who had last spoken wished to carry the adoption of this invention further than Mr. Harris himself. Mr. Harris only asked for its gradual introduction into the navy, while the hon. Gentleman would have it universally adopted at once. Now, several ships had been fitted on Mr. Harris's principle, although it was true that an equal number had been fitted up on another plan. That new invention was a perfect lightning conductor, and it had not been tried without the sanction of scientific men, while the fact was, that it might have been adopted without any infringement, even although Mr. Harris had obtained twenty patents. Mr. Harris's plan had been partially adopted in the navy, and there was certainly no reason why it should not be further applied. He allowed that economy in such matters ought to be a secondary consideration, but Mr. Harris, in his letter to the Admiralty, had stated his loss and the value of his scientific labour at 7,000*l.* Now, the Admiralty had not refused all compensation and had only replied to Mr. Harris that they did not think his invention worth so large a sum as 7,000*l.* For himself, he saw no objection to granting this gentleman a reasonable compensation for his invention, which was a useful one, but he saw no reason why the experiments now going on

should not be concluded before any decision was come to on the subject. It had been said that some political motive had prevented Mr. Harris from obtaining the reward which he merited. Now, he could say that he never knew how Mr. Harris had voted upon any occasion, and the Members for Devonport had both written strongly in his favour.

Mr. *Collier* observed that Government were always more ready to reward plans for sacrificing, than those for saving human life.

Viscount *Sandon* protested against the plea put forward on behalf of the Government, that although a discovery was admitted to be very great and very useful, no reward should be given for it until it should be ascertained that it was not possible, in the nature of things to improve upon it.

Lord *Eliot* said in reply, as the gallant Admiral opposite had said the Government considered 7,000*l.* too much for Mr. Harris's plan, they ought to say how much they thought would be a fair compensation. The noble Lord then quoted the opinions of Professors Faraday and Wheatstone, in favour of Mr. Harris's plan, in opposition to that of Sir Wm. Symon, which had been cited in depreciation of it. He expressed the great satisfaction he felt at seeing Gentlemen, on a subject of great national importance, laying aside their political differences, and unanimously declaring it to be necessary that the attention of the Government should be called to the subject. He hoped this unanimity, so creditable to the House, would have its proper effect upon the Government.

COUNTY CORONERS.] Mr. *Pakington* said, that in asking leave to move for a Bill to alter the mode of electing County Coroners, he hoped he should not be considered guilty of any impropriety if he expressed his regret, that her Majesty's Government had not themselves taken up the question, and introduced a bill respecting it. Three years ago, he proposed a motion upon the subject, though on a different principle; but the noble Lord, now the Secretary for the Colonies, and then Secretary for the Home Department, acknowledged, that the state of the law relating to coroners required alteration, and that it was only on account of want of time, that the Government had not taken it up themselves. He believed

there was no party, or member of a party, who disputed the benefits the country had derived from the mode of election adopted under the Reform Act; and it was that mode he wished to substitute by his bill for the present, in the elections of county coroners. This subject had occupied the attention of Parliament of late years; and therefore, he did not think it was necessary to dwell on the great inconvenience, the frauds, and the unnecessary expenditure of the existing system. He would now state to the House the nature of the measure which he intended to propose. In the first place, the bill would provide, that the county be divided into a number of districts—that the election should be held only in the districts for which a coroner was to be elected, and that the election should terminate in one day, instead of being continued for a period of several days as at present. These were the alterations he intended to propose with regard to the mode of election; but there was another important alteration which he should mention to the House. It did appear to him very desirable, that some amendment should take place in the constituency by which coroners were now elected. The laws with regard to the election of coroners were very ancient; it had never been defined by law what the constituency was, and he believed, it was rather by custom than by statute that an election was now made by freeholders, whatever might be the extent of their property. At the same time, it should be observed, that the election was now confined to freeholders, and that leaseholders and others who had the franchise in the choice of representatives for the county, had not the right of voting in the election of coroners. Very great abuses and frauds obtained under the existing law. One instance in illustration: in the county of Shropshire, a few years ago, there was a contested election for the office of coroner, at which from 30,000 to 40,000 persons voted; and he believed he should be borne out in saying, that there was not that number of voters in the county. He hoped the House would adopt the principle he proposed, that the constituency should be so narrowed as to be the same as the county constituency in the elections for Members of Parliament, and that the register of county electors for Members of Parliament, should be the register of the electors for county coroners. There were

some other points also in the present law, which he wished to have corrected. One of these was the inconvenience which arose from the inability of a county coroner to hold inquests in districts of other counties, which were nearer to him than to the coroners of those districts. In consequence of this, great expense had been incurred; and in one county, within a certain period, there was a considerable number of deaths, in not one of which was an inquest, on account of the enormous expense of bringing the coroner; therefore, he proposed, that county coroners should hold inquests in those detached parts of adjoining counties. His bill would also contain a clause for a different rate of allowance, that which was now adopted being highly objectionable. These were the principal alterations which the bill would go to effect; and he hoped, that the House would see the anomalous nature of the existing law, and adopt the measure he proposed.

Mr. *Hume* would not oppose the introduction of the bill of the hon. Gentleman; but he begged the hon. Gentleman to understand, that he did not concur in the opinion he had expressed with regard to narrowing the right of voting, and placing that right solely on the elective franchise of the Reform Bill, which meant, that no freeholder should be allowed to vote for a coroner unless his freehold was of the value of 40s. a-year. He did not think it would be fair to permit any such limitation of the franchise; for, in his opinion, by the ancient law of the land, every freeholder, whatever the amount of the value of his freehold might be, had a right to vote for coroner, on the principle, that the life of the poorest man was of as much importance as that of the richest. He could not, therefore, see the least reason for limiting the franchise. The bill of the hon. Gentleman might contain some good and proper regulations; but upon the grounds he had referred to, he must say, that he should give his opposition in every stage to everything that would have the effect of narrowing the franchise.

Mr. Sergeant *Jackson* had seconded the motion of his hon. Friend because he thought the law affecting coroners required to be altered; and he trusted his hon. Friend would extend his bill to Ireland, for the common law of the land upon this subject was the same in both countries. All the freeholders of the

county were entitled, whatever the amount of their property might be, to vote in the election of coroner, and as the law now stood, an election was productive of an enormous expense to those who were candidates for the office. The entire freeholders of the county had to be brought up to the poll, there was no register in existence—there was no check—and, in consequence, the parties, who were candidates, might practise the grossest frauds, for the purpose of putting their opponents to expense. The immense number of electors, and the other circumstances he had mentioned, occasioned a considerable expenditure, and opened a wide door to the practice of fraud. With regard to the narrowing of the number of the constituency, he must say, that they could not have a lower qualification than a 40s. freeholder; and he thought that, by giving the right of voting to the leaseholders and occupiers, who possessed the suffrage under the Reform Act, they would be rather increasing than diminishing the number in some counties. They would, by this means, take off the small freeholders, and put on the leaseholders, and 50l. occupiers; and for a check they would have the register of Parliamentary electors. They would then know who came to the poll, whereas, at present, it was not known who voted. Under these circumstances, he felt that the country was indebted to his hon. Friend for drawing the attention of the House to the subject, and he hoped the bill would be passed into a law.

Mr. Warburton would not offer any opposition to bringing in the bill. So far as it went in giving greater facilities for holding the polls—for instance, instead of one polling place, giving several districts, in each of which there should be a poll—he should not object to it; but when the hon. Member spoke of narrowing the franchise, and cutting down the freeholders, who were the old constituents for counties—when he spoke of cutting down that constituency to the standard of the Reform Act, and introducing the system of registration, with all its vexations—he did hope, when the bill came to the second reading, it would meet with the most dogged resistance from the House. In looking at the business which came before the coroner, it would at once be seen how desirable it was that the franchise should be of the widest possible nature. It ap-

peared to him that a popularly—very popularly elected officer should be the officer to investigate such questions as might come under the cognizance of coroners. For these reasons, the House must closely scrutinise the proposition of the hon. Member, when it came before them.

Mr. Gally Knight thanked his hon. Friend for his proposed bill. He thought that at present a coroner was an officer of a most anomalous character, and that, therefore, an alteration should be made in the law. It was exceedingly desirable that there should be a legislative enactment, defining the duties of the coroner, more than they were at present; and he considered that the alteration in the mode of taking the elections, as contemplated by the proposed bill, would be a great improvement. There was one suggestion, however, which he wished to make, and it was, that, in case of illness, or of great emergency, the coroner for a county should be allowed to exercise his office by deputy. He also thought that some alteration in the mode of summoning juries should be adopted.

Colonel Sibthorp should be glad to see an alteration in the existing law, and was of opinion, that a clause might with advantage be introduced, providing that notes should be taken of all cases, particularly those of great importance, which he hoped to allude to on a future occasion. He believed, from the information conveyed through the public press—and he had read it with great care, and believed it to be correct—that it was desirable the public should be made acquainted with the transactions which took place before the coroner by some authentic record for that purpose.

Mr. Pakington remarked, that his principal object in introducing this bill was in the first place, to prevent fraud, and in the next place, to reduce the expenditure.

Leave given.

ALTERATION IN CONVEYANCING.

Mr. James Stewart moved for leave to bring in a bill for rendering a release as effectual for the conveyance of freehold estates, as a lease and release by the same parties. The most usual plan of conveyance at present in existence was this. First, the party selling conveyed the estate to the purchaser, by a lease for a year, and

then the purchaser being in actual possession under the lease, the vendor conveyed the remainder of his interest by release. Now, he thought it would be a great advantage if they could get rid of a multiplicity of deeds; but the mere getting rid of deeds—though one benefit to be gained by the bill he was about to introduce—was not the only one. An error in the lease for a year, or its loss, was often ruinous to the parties. The lease for a year was not prepared by a conveyancer, it was usually intrusted to the youngest clerk in the attorney's office; yet on this deed being properly prepared, depended the whole validity of the conveyance by lease and release. Besides this, the lease for a year was a serious tax upon all conveyancing transactions; it cost at least from 3*l.* to 5*l.* on the smallest purchase of land. The difficulties arising from the incorrect drawing of the lease for a year, might or might not arise, but the expense was present in all cases. It would be admitted, then, that if the lease for a year could be safely dispensed with, it would be a great object. That it might be safely done away with, was proved by certain precedents, because in other countries, where this mode of conveyance had been adopted, the lease for a year had been dispensed with. They were not in the habit of thinking that Ireland was in a very forward state as regarded law reform, as compared with this country, and yet in Ireland the lease for a year had been abolished for a century. There it was enacted, that the recital of the lease for a year, in the release, should be evidence of the lease. Now, he thought that this mode was inconvenient; because if the recital were omitted, or if, as had happened, the lease were imperfectly recited, the release would be worth nothing. He did not, therefore, propose to adopt this method; neither would he take the method adopted in many of our West Indian colonies, where it was declared that a registration in the island should have the same effect as a lease and release, because as there was no system of registration in this country, he could not adopt that method. He proposed simply to declare, that the release should be as effectual for the conveyance of the property, as if the same parties had executed a lease and release. That would be perfectly effectual, and was the mode recommended by the real property commis-

sioners; and had been embodied in a bill introduced into that House containing other provisions, which had not passed.

Mr. *Ewart* said, that the House was indebted to his hon. Friend for undertaking this measure, and explaining it as he had done, and he trusted that the end of it would be to secure a legal reform.

Leave given.

Bill brought in and read a first time.

[LORD KEANE'S ANNUITY.] Lord *Seymour* moved the second reading of Lord Keane's Annuity Bill.

Mr. *Hume* said, that in the present state of the House, it was not his intention to oppose the further progress of this bill. Every thing which had come to his knowledge since the bill was last before the House, confirmed him in the opinion that it ought not to pass. The reward was disproportioned to the service. It was setting up a bad principle, and acting with gross injustice towards those whose services had been much more valuable. The committee to consider of the abolition of naval and military sinecures, had recommended that they should be abolished, but that a certain amount should be reserved for what were called good services; and that there should be laid on the Table a record of those services. Would the noble Lord lay the record on the Table, in conformity with the recommendation of that committee? When that was on the Table, Members would be better able to judge how far it was right that this bill should pass.

Lord *Seymour* had no objection to lay on the Table every information respecting the services of Lord Keane; but he could not give any positive opinion in the absence of the Secretary at War.

Bill read a second time.

[POSTAGE OF FOREIGN PARCELS.] Mr. *Wallace* moved for returns of the number of letters passing through the Post-office of the United Kingdom in the years ending November 1839, 1840, and 1841: and also the number of money orders issued in the three months ending February, 1839, 1840, and 1841.

Mr. *Hume* took that opportunity of complaining that of late a very convenient practice relating to parcels coming from abroad had been broken through. When pamphlets and papers came from abroad, they were, on landing, seized by the Post-

office authorities and put into the post, the foreign rate of postage being charged upon them. Formerly there was a power in the secretary of the Post-office to remit or moderate that heavy charge, but now that officer declined to continue the custom. He had lately received from America several public documents and Parliamentary papers, open at the ends, for which he had been charged a postage after the foreign rate of 1*l.* 1*s.* or 1*l.* 10*s.* He had offered to pay the reduced English rate, which would have amounted to ten or fifteen shillings; but he had received no reply to his letters, and the public lost the reduced charge, for the papers were burnt. The individuals who brought the papers over would have brought them to town and delivered them free of charge but the inquisitors of the Post-office seized upon every thing in the shape of a letter, sent the parcels through the post, and then charged the accumulative rate. He thought that this was a good ground of complaint; and he hoped that the noble Lord, who had already performed such a useful part with respect to the Post-office, would inquire into the matter, and have the grievance redressed.

Lord *Seymour* promised inquiry, but he apprehended that, in consequence of the large increase in the number of letters, the mails could not afford to give as much accommodation for these parcels as formerly.

Mr. *Shaw* remarked, that he understood the receipts of the Post-office in Ireland had been reduced by the late alteration from 600,000*l.* a-year to 6,000*l.*

Mr. *Hume* said, his complaint was, that the parcels were taken by force from those who would deliver them free, and that they were then charged with the foreign postage; so that a pamphlet worth 1*s.* 6*d.*, might be charged 14*s.* or 15*s.* If the English rate of 2*d.* an ounce were charged, he would make no objection.

Returns ordered.

HOUSE OF LORDS,

Friday, February 19, 1841.

MINUTES.] Bill. Read a first time:—For the more effectual Administration of Justice.

Petitions presented. By Lord Ellenborough, from Glasgow, for an Equalization of the Duties on Colonial Produce.—By the Marquess of Normanby, from Doncaster, in favour of the Drainage and Buildings Bill.—By Lord Brougham, from Chester, for the Abolition of the Punishment of Death except for Murder and Treason.

TRIAL OF THE EARL OF CARDIGAN.—DUELLING.] The Earl of *Shaftesbury* moved that the trial of the Earl of Cardigan be forthwith printed and published.

The Earl of *Eldon* said, there were some matters connected with the subject of the noble Earl's motion, that he could not allow to pass without notice. On the occasion of the trial of the noble Earl it appeared that an order was issued calling on those who had business at the House to attend in their places. Now, by an order of the House, which was on their Lordships' table, it appeared that Masters in Chancery were considered in the light of messengers to their Lordships, and were therefore included in the order to attend on that occasion. One of the Masters had, in consequence, come down to the House, and applied for admission, but he was refused, on the ground that he had no order from the Lord Chamberlain. One would suppose, that standing in such a situation, he did not require such an order. There was another point, which he conceived demanded the attention of the House. It would be perceived, by the statement of the proceedings on that day, that the right rev. Prelates towards the latter part of the trial asked permission to withdraw, and withdrew accordingly. In a portion of the address made by the Attorney-general to their Lordships, the learned Gentleman made use of a certain expression, no doubt out of his kind regard towards the noble Earl at the bar, in which his feelings seemed to have carried him a little beyond what he originally intended. The expression to which he alluded was this—"That he (the Attorney-general) was glad that nothing of moral delinquency had occurred in this case." He was perfectly prepared to say, that in the present state of society in this country, it was difficult to suppose that it could go on as it now did, unless certain allowances were made for the feelings of respectable individuals placed in situations of great difficulty, where, perhaps, their sentiments differed materially from the line of conduct which they were pursuing. No man was more ready to make that allowance than he himself was. But, even admitting that, it appeared to him that the Attorney-general, in making the observation to which he had alluded, had gone a little beyond the true line of duty. Now, as the trial had gone off on matter totally irrelevant to that point—as no opinion of their Lordships had been given on the subject—as, in point of fact, the matter was now placed before the public

in this state—and as, at the latter part of the day, the right rev. Prelates as well as several noble Lords had retired from the House,—he thought it right to notice the subject, lest it might be supposed that their Lordships concurred in the sentiment to which he had referred. He believed, that their Lordships would concur with him in saying, that, in whatever situation a Gentleman might be placed, when driven to have recourse to duelling, it was not a custom that was sanctioned either by the law or by the moral principles of the country. Each specific case must stand between the individual, his conscience, and his God; but he could not conceive it possible how any man could pursue such a course without some delinquency being attached to the act, however the circumstances in each particular case might diminish the amount of delinquency. He begged pardon for calling their Lordships' attention to this subject, but he deemed it to be his duty to notice it.

The Bishop of *London* hoped it would not go forth to the public, that if the right rev. Prelates had been present at the conclusion of the trial they would have considered themselves, more than any other Member of their Lordships' House, implicated in any expression of sentiment made use of by the Attorney-general. If he had been present on the occasion, he should have listened to the expression of those sentiments to which reference had been made with deep regret; and he felt it his duty to state, that there was not, in the matter before their Lordships, anything, in his opinion, that called for the expression of any such sentiments on the part of the legal officer of the Crown who filled the situation of public prosecutor on that occasion; and who, it appeared to him, had gone beyond the limits of his province in making them. The noble Earl having alluded to the absence of the right rev. bench (the reasons for which absence their Lordships would no doubt justly appreciate), he felt himself bound to say that he entirely concurred in the sentiments which the noble Earl had expressed; and although, had he been present on the occasion, he should have forbore from any attempt to give expression to his own sentiments (because, looking to the whole principle of the proceeding, it was hardly competent for their Lordships to enter into discussion on such a subject), yet he now expressed a strong hope that the recent unfortunate occurrence, together with other cases which had occurred during the last few years,

would induce their Lordships, as the chief component part of the Legislature, to take the question into their deep and serious consideration, and to say whether something could not be done to put an end to that which was a shame and a scandal. It was a custom derived from the barbarous ages. It was the remains of that system of chivalry which, though perhaps it might have been of great use at the time when it prevailed, was utterly inconsistent with the manners and customs of the present day. The system in which it originated had long passed by, but it had unhappily left behind it one of its worst features, in the barbarous, wicked, and unchristian practice of duelling.

The Earl of *Shaftesbury* said, with reference to the statement made by the noble Earl (*Eldon*), that all the peers and judges were ordered to attend on the trial; but the Masters in Chancery, by virtue of their office, as messengers of the House, had no claim to attend on that occasion.

The Marquess of *Lansdowne* said, that the right rev. bench in retiring from the House had acted, on this occasion, in accordance with the established practice. It was customary for them in criminal cases to hear the evidence on both sides, but to ask leave to retire when the verdict was about to be considered and given.

Lord *Ellenborough* was of opinion, that the bishops were no more compelled to ask for leave to quit the House, in cases of trials for criminal offences, than any other members of it. The House, it was true, could compel the attendance of peers at all its proceedings, but the House had no power to compel any Peer to give his vote. Cases might arise when a noble Lord could not conscientiously give an opinion on the subject before the House, and he was at perfect liberty to retire. He well recollected, at what was called the Queen's trial, the understanding was, that any peer who thought proper might withdraw from the decision.

The Marquess of *Lansdowne* had no doubt that a peer had a right to withdraw, and not to vote, if he pleased. But he apprehended the reason why the bishops, when they wished to retire, did so under protest was, lest, if they did not adopt that course, it might be inferred, that they retired because they had no right to vote. Their object was to assert and maintain their right of sitting at all proceedings, and of giving their votes, if they deemed it necessary.

Lord Redesdale said, the bishops, in the case of the Duchess of Kingston, had retired under a similar protest. He believed the Lords spiritual always put in this claim, by protest, because the Peers denied their right of sitting in judgment on Peers.

The Earl of *Shaftesbury* believed the proceedings would be found to have been conducted in the usual form. It was customary for the bishops to ask leave to retire, without voting, on criminal cases, and it had been done on this occasion as on former trials. The question was put to their Lordships not on any interlocutory point, but when they approached a verdict of guilty or not guilty. It was at that period that the Archbishop of Canterbury asked leave for the Lords spiritual to retire.

Trial ordered to be printed.

The Earl of *Mountcashell* wished to put a question to her Majesty's Government on the subject which had recently been brought under their Lordships' attention. He wished to know whether the act of the 1st of Victoria was framed with intent to put an end to duelling? If so, the trial which had occurred, could only be considered a mockery of justice. If their Lordships were really of opinion that duelling ought to be put an end to, then another measure, stronger than that now in existence, ought to be adopted. No later than yesterday morning, he found by the public prints, a duel had been fought between a Mr. Marsden and a Colonel Paterson, in which one of the parties was severely wounded. He, therefore, thought, that this was a proper occasion for noticing the subject. He was one of those who held the opinion, that by proper means duelling might be put a stop to, the more especially if measures were taken to afford just redress for different offences, out of which duels frequently arose. Some mode, he conceived, ought to be adopted, to give due satisfaction in cases of minor offences, as well as those of a more grave and serious nature. For instance, a man received some degree of insult, and immediately called the aggressor out. Why did he thus call him out? Because the law afforded him no proper satisfaction. There was no law to prevent or punish the offence under which the challenger felt himself aggrieved. In this respect the law was extremely defective. Again, if a man's daughter were seduced, he could only sue the seducer for the worth of her services; and who would be satisfied with such a

mockery of justice as that? So long, therefore, as this defective state of the law remained, so long would the system of duelling prevail. The law, it was said, demanded reform in many respects; but certainly in that point as much as in any other. He believed there were many noble Lords who felt as he did on this subject. Under the circumstances which he had stated, men really did not know how to act. For instance, an officer in the army received an affront. His brother officers expected that he should go out. What was he to do? On the one side, if he went out he was threatened with the 1st of Victoria; on the other, if he refused, he was obnoxious to the contempt of his brother officers. The unfortunate man had to choose between these two evils. He hoped and trusted that her Majesty's Government would take this matter up, and that he would not be told by the noble Viscount that he ought to introduce some measure himself. Ministers owed it to the nation itself, which called for some measure on the subject. The responsibility, in his opinion, lay entirely with Ministers; and, therefore, he called on them to produce a measure that would meet the evil. If they were not prepared, let them appoint a committee to inquire into the subject. Let that committee investigate the matter as closely as possible, and report on it to the House; but let not the question be left in the state in which it was at present, for, while it thus remained, no man in the country was safe—no man was exempt from being placed in fearful jeopardy. He should conclude by asking, whether it were the intention of her Majesty's Government to propose any measure to Parliament for the more effectual prevention of duelling?

Viscount *Melbourne* was fully sensible of the great importance of the subject to which the noble Earl had directed the attention of the House; but, in answer to his question, had only to state, that her Majesty's Ministers did not mean to bring forward any measure of such a nature as the noble Earl had referred to. He apprehended that the noble Earl on a more mature consideration of the subject, would find that the actual state of the law, as it now existed, was not deficient in force, and that it was hardly capable of being made more stringent than it was at present.

POOR-LAW (IRELAND)—ELECTION OF GUARDIANS.] The Earl of *Glengall* wished to ask a question of the noble

Marquess opposite—namely, whether it was the intention of her Majesty's Ministers to propose an alteration of the Irish Poor-law with respect to the voting by papers for guardians, and as to the manner in which the returns were afterwards made. The present system gave rise to much confusion, and it opened the door to personation and perjury.

The Marquess of *Normanby* was perfectly ready to say, that the attention of her Majesty's Government had already been turned to this point, and care would be taken that the future elections should, as far as possible, be placed on an unobjectionable footing. He saw no reason to alter the law; but the resident commissioner, Mr. Nicholls, had suggested that the clerks of the unions, as in many cases in England, should be employed as returning officers, and they would perform the duty without any party or political feeling. The elections would take place next month, and he had every confidence that the result would be found satisfactory.

The Earl of *Glengall* felt, that in many respects the clerks of the unions were as objectionable as any other parties. It was his intention, in a few days, to bring the whole subject before the House.

The Marquess of *Westmeath* said, the substitution of the clerks of the unions for special returning officers would not remove the difficulty complained of by the counties. The mode of voting by papers was highly objectionable. It would be very desirable that the mode of voting should be open—that the names should, in fact, be taken down, so that it might be properly ascertained whether those who came forward had any right whatsoever to vote. One of the worst parts of the system was, that where improper persons were elected there was no remedy. There was no mode by which they could be removed. The number of petitions that was presented last year on this subject sufficiently proved the dissatisfaction that prevailed.

The Marquess of *Normanby* said, he had no recollection of the petitions to which the noble Earl alluded. All he could say was, that although the law might be liable to occasional abuse, every intention existed on the part of the Government to remedy the evil.

The Earl of *Fingall* did not think the system was liable to that degree of abuse

which noble Lords opposite seemed to suppose.

Lord *Fitzgerald* suggested, that instead of converting the clerks of unions into returning officers, it would be better to adopt a stricter method for the election of special returning officers.

The Marquess of *Normanby* admitted that the point was well worthy of consideration, but the suggestion of Mr. Nicholls would be acted on in the meantime as an experiment.

Lord *Fitzgerald* and *Vesey* reminded the noble Marquess that the duties of clerks of unions in England were so different from those in Ireland as to afford no analogy whatever in this matter.

Lord *Glengall* said, the experiment had already been tried in Tipperary, where a protest had been signed against it by upwards of eighty rate-payers, and a considerable number of the board of guardians.

DELAY IN ADMINISTERING JUSTICE.] Lord *Brougham* presented a petition from Isaac Winter, of Wilton, in the county of Somerset, complaining of delays in the courts of law. The petitioner stated, that having attained the age of 70, he had been a litigant for the last twenty years in the courts of Westminster, and during the greater part of that time in their Lordships' House. The proceedings arose out of an action of ejectment, which was tried twenty years ago, and still remained undecided. The case involved points of extreme difficulty, upon which arguments were held repeatedly in the courts below, where great difference of opinion prevailed. When brought before their Lordships by writ of error, the assistance of the judges was given; it was again argued at great length, but the difference of opinion among the judges was by no means lessened. A second argument was ordered about a year and-a-half since; but the doubts and difficulties of the case were not apparently lessened, for the learned judges had not yet made up their minds upon the subject. Without imputing blame to any person, he hoped the long delay which had taken place was drawing towards an end, and that shortly after the return of the learned judges from circuit this most difficult and embarrassing case would be finally disposed of.

JURISDICTION OF THE PRIVY COUNCIL.] Lord *Brougham*, in moving that

certain returns relative to the sittings of the Privy Council be printed, took that opportunity of observing, that great misconception prevailed as to the state of business in that very important court. These returns, for which he had moved some time since, and which had now been laid on the Table, would show the utter groundlessness of the statements which had been made on this subject. Instead of sitting for eighteen days only, as had been represented, the Judicial Committee of the Privy Council had sat thirty-six days in 1840; and, in other years, twenty-eight, thirty-four, forty three, and even forty-eight days, an amount of sittings amply sufficient to despatch all the business of the court. He remembered the time when they sat only nine, twelve, and thirteen days in the year. With respect to the state of the business, since the constitution of the Judicial Committee from 310 to 320 cases, all of great length and importance, had been disposed of, and the present arrear, if such it could be called, was smaller than perhaps any other court could boast. Exclusive of those from the native courts of India, there were only six appeals standing ready for hearing from all the colonies of the empire. Of appeals from the Indian courts there were only six, and of those from the Consistorial and Admiralty Courts a like number, making a total of but eighteen; and that these formed nothing like an arrear would be still further apparent when the dates were considered at which they were first ready for hearing. Before the month of November, there were only five cases, exclusive of Indian appeals, ready for hearing, every one of which had been got ready subsequent to last March. Of the appeals from the native Indian courts there were forty years' arrears when the Judicial Committee commenced their labours, none of which could ever have come to a hearing, having been sent over by parties ignorant of the legal proceedings of this country, and without instructions to any one to prosecute them; but the committee having been authorized to hear and determine them, with the consent of the East-India Company, whose conduct had been most unexceptionable, most of those cases, chiefly at their expense, had been heard, so that comparatively but a small number remained; and, as he had stated, but six of them were now ready for a hearing. In justice to the court and to the learned

judges who devoted so large a portion of their time to the public without the slightest remuneration, he thought it but fair that these details should be known.

Returns to be printed.

POOR-LAW (IRELAND)—VALUATIONS.]

Lord *Glengall* rose to move for copies of the letters addressed by Mr. Nicholls to the Assistant Poor-law Commissioners of Ireland, respecting inquiries they were directed to make regarding the valuations of unions, in obedience to the directions of the Irish government. It appeared by a letter published in the newspapers, that Mr. Nicholls, the resident commissioner, had written to the other Poor-law Commissioners, desiring them to give every facility to Messrs. Decie and Haig, "in comparing the number and description of rate-payers entered on the valuation with the persons registered as being entitled to exercise the Parliamentary franchise." He had no doubt, from facts which had come to his knowledge, that the letter was authentic, and his reason for moving for its production was, that any calculations which could be founded on such inspection of the valuations must be fallacious. Few valuations had been completed in any of the Irish unions; in the south, with very few exceptions, there were none, and where they did exist, so many objections had been lodged, that it would be impossible to form any calculation until the appeals had been disposed of. There was another point deserving of some notice. It appeared that these inspections were to be conducted with the greatest possible secrecy. The letter concluded thus:—

"It is very important that these examinations and comparisons should be conducted as quietly as possible, and in a way to excite the least attention and remark; and you are requested to be particularly guarded on that head in your communications with the union functionaries, and with any other persons to whom you may have occasion to apply."

He could not conjecture why the injunction of secrecy had been given; but this he would say, that much which had been done relative to the administration of Poor-laws in Ireland had given rise to very unpleasant suspicions, that the commissioners were in some respects used for political purposes.

The Marquess of *Normanby* had no objection to the production of the corres-

pondence. The object of the Government was to collect from their own officers authentic information as to the best means of discovering some permanent basis of the franchise, by reference to the valuations under the Irish Poor-law; and the only motive for the secrecy enjoined was, that expectations should not be excited which they might be unable to realize.

The Earl of *Devon* begged to know from the noble Marquess the Secretary of State for the Home Department, whether he had received any information relative to the books of the valuers of the Poor-law Union of Cloghereen, in the county of Tipperary, several of the names in which, it was alleged, as he had stated a few evenings ago, had been marked by distinctive words, such as "Tory" and "Disturber?"

The Marquess of *Normanby* said, he had lost no time in making inquiry into this very extraordinary proceeding; and he had found that on the very day the noble Earl had directed his attention to it, a communication had been forwarded from the board of guardians to the Poor-law commissioners, stating, that they had discovered that such interpolations as those referred to by the noble Earl, had been made in the valuation papers; that they acquitted the valuers of any share in the proceeding; and that they had traced it to one of the clerks, whom they had in consequence severely reprimanded. The board of guardians expressed themselves very strongly upon the subject. The Poor-law commissioners followed in the same strain, adding, that the valuation papers in question had been prepared by a clerk named John O'Donnell, who had inserted the objectionable terms without the knowledge of the valuers; that they had approved of the course adopted by the board of guardians in reprehending the conduct of the person who had committed the offence, and they trusted that the board of guardians would continue upon all occasions to discountenance political and party distinctions of every description by those who might be employed under them, as otherwise the law could not have the good effect it was intended to produce. He had likewise heard from Mr. Nicholls, who said that they had felt it their duty to require Mr. O'Donoghue, the assistant-commissioner, to make further inquiry upon the subject, the result of which he would make known to their Lordships.

The Marquess of *Westmeath* could not help thinking, that if the individual in fault had had no compunction in committing the act complained of, he would be likely to feel very little upon being reprimanded. In his opinion he ought to have been dismissed.

The Marquess of *Salisbury* said, it appeared to him that the guardians themselves ought to be held responsible for the acts of those persons whom they appointed.

The Marquess of *Normanby* admitted that, but as further inquiry was now being made, he did not wish to say anything more upon the subject until that inquiry was completed.

The Earl of *Devon* would decline, for the same reason, to offer any opinion upon the matter at present.

The Earl of *Glengall* observed, that five of the persons to whose names those distinctive terms had been attached were tenants of his, holding 10*l.* freeholds, and, considering that the union of Cloghereen was in the county of Tipperary, he must say, that such a notice placed them in a situation which was far from enviable or safe. Indeed, he very much apprehended that their lives as well as property would be endangered by having such political distinctions attached to their names in a public document, as they were thereby held up to public odium and remark. He confessed that he viewed this matter with feelings of deep apprehension. The valuers might have been ignorant of it, it was true; but that they should have neglected to look over this schedule after it had been delivered in was certainly rather extraordinary. The clerk who had made these interpolations could scarcely have imagined that the valuers would have omitted to do so; he must have been aware at the time of what he was doing, and it was not therefore unreasonable to conclude that he believed it would not be unpalatable to the valuers, or to the majority of the board of guardians. He would tell their Lordships for what purpose he conceived it had been done. Party spirit ran very high at present in the county of Tipperary, as it was well known it would be contested at the next election; the Radical and Repeal committees were making every exertion to ascertain from the valuers' books what the number, and who the persons were, whom those books would show to be on the re-

gister; and he had no doubt that the clerk was making out a list of the Conservative 10*l.* freeholders, which he intended to transmit to those Radical committees. The 50*l.* freeholders were so well known that it was not necessary to attach any mark to their names.

The Marquess of *Normanby* had only to observe, in consequence of the noble Earl having said, that the conduct of the clerk was not unpalatable to the majority of the board of guardians, that they had expressed their strongest disapprobation of all such proceedings. He agreed with his noble Friend that the valuers had evinced great neglect in not having looked over the books; but he could only repeat that the Poor-law commissioners, who were fully persuaded of the impropriety of the proceedings, were at this moment investigating it. He was aware how very invidious it was, to attach party distinctions to names contained in public documents; but while they all knew what was meant by the word "Tory," he should wish his noble Friend would give them a definition of the word "Disturber."

Returns ordered.

Adjourned.

HOUSE OF COMMONS,

Friday, February 19, 1841.

MINUTES.] NEW MEMBERS.—Colonel Clements, for *Cavan*.

Bills. Read a first time:—Parish Constables.—Read a second time:—East-India Rum.—Read a third time:—Tithe Compositions (Ireland).

Petitions presented. By Mr. O'Connell, Major Macnamara, Sir R. A. Fergusson, and Colonel Rawdon, from Down, Munster, Londonderry, Armagh, and other places, in favour of Lord Morpeth's Irish Registration Bill.—By Mr. Litton, and Sir R. Bateson, from Wicklow, Cork, Fermanagh, and other places, in favour of Lord Stanley's Irish Registration Bill.—By Mr. Wakley, Mr. Trotter, and Sir J. Y. Buller, from St. Luke's, Guildford, Devonport, and other places, against the New Poor-law Bill.—By Mr. W. Duncombe, and Sir R. Inglis, from Yorkshire, and other places, for Church Extension.—By Sir De Lacy Evans, from the Westminster Reform Society, against the Window Duties.—By Sir R. Bateson, from Antrim, against Patronage in the Scotch Church.—By Sir R. Jenkins, from a parish in Montgomeryshire, against the Union of the Dioceses of St. Asaph and Bangor.—By Lord Stanley, from Wigan, for additional Church Accommodation; and from the Rate-payers of a parish in Lancashire, against the New Poor-law, and the Rural Police Act.—By Lord Sandon, from the East-India and China Association of Liverpool, for an Equalization of the Duties on the Produce of the East and West Indies.—By Sir W. Follett, from a Parish in Devonshire, for the Establishment of Local Courts.—By Mr. W. S. O'Brien, from a Parish in the county of Limerick, against the Vaccination Act.—By Sir G. Staunton, from the Royal College of Surgeons, against the Medical Reform Bill.—By Mr. Baines, from the Mayor and Corporation of Leeds, for an Alteration in the mode of making up the Registrations of Municipal Electors, and for the

better Draining of Towns.—By Mr. Pease, from the Stockport and Darlington Railway Company, for an equitable mode of Railway Taxation.—By Mr. T. Duncombe, from Birmingham, for the Release of Frost, Williams, and Jones.

MEDICAL REFORM.] Sir R. Inglis wished to ask the hon. Member for Lambeth to what day he proposed to postpone the second reading of this bill, as the hon. Member must be well aware that a bill affecting the interests of so large a body in the three kingdoms would not be read a second time that evening.

Mr. Hawes said, he had no intention to press the second reading to-night. He might now state, that in the committee it was his intention to propose to strike out all that part of the bill relating to chymists and druggists.

Mr. Wakley said, as his hon. Friend had brought his mind to strike out that part, he would entreat him to strike out the other portion of the bill also, because in such a shape it would not be satisfactory to any portion of the medical profession.

The *Speaker* thought, as the hon. Gentleman proposed to postpone the bill, that he ought to state that the clauses relating to chymists and druggists, being clauses which affected trade, should have been brought in in the committee of the whole House. The more proper way now would be to bring in a new bill.

Mr. Hawes would then withdraw the bill, and ask leave to introduce an amended measure.

Bill withdrawn.

COLONEL LEICESTER.] Mr. Hume wished to ask a question of the hon. Gentleman the Under Secretary for the Colonies. He held in his hand a letter from Quebec, in which it was stated that the regiment of guards stationed there had asked permission to erect a tablet to the memory of Lieutenant-colonel Leicester, who was said to have died immediately after his return from a most important service. The bishop refused permission to erect a tablet to the memory of this officer, on the ground that he was not an habitual communicant of the church. He wished to know if Government had received any communication relative to this proceeding, which he thought showed a spirit of intolerance and persecution that could not be sufficiently reprehended.

Mr. V. Smith said, he was not aware of

the hon. Member's intention to ask the question. He would make inquiries on the subject; but, so far as he knew at that moment, no official documents relating to it had been received.

REGISTRATION OF VOTERS (ENGLAND).]

Lord J. Russell moved the second reading of this bill.

Sir E. Sugden, in calling attention to the provisions of the bill, begged to assure the House that he and those at his (the Opposition) side were as anxious as hon. Members on the other side to correct the errors of the present system of registration, and to have a *bond fide* registration. They fully admitted, that there were many great defects in the present state of the law which required correction. For instance, if an overseer, or any officer whose duty it was to see that a due publication of the lists was made, neglected that duty, or discharged it imperfectly, the consequence would be, that a part, or perhaps the whole, of the constituency, would be deprived of their rights. Again, if the revising barrister improperly performed his functions, whether by mistake or otherwise, it might happen, as in the previous case, that the whole, or part, of a constituency might be disfranchised. These were evils which, it was agreed on all hands, ought to be corrected. In the bill now before the House, clauses were introduced to remedy these evils, and, with some slight exceptions, he believed, no objection would be made to that part of the measure. The other evils of the existing system that required correction were of a different nature. Most men were agreed that, in taking an objection to a vote already upon the list, the objector ought to state shortly the ground of his objection; and also as regarded voters already upon the lists, it was, he believed, agreed on both sides of the House, that some provisions should be made to prevent fraudulent wholesale objections to those voters. This was partially provided for by the bill before the House, but he thought, that other clauses would be requisite to carry out the remedy to its proper extent. The remedy for the evil was a very simple one. Let it be enacted, that no party should be allowed to object to an otherwise good vote merely because the claimant could not attend: let it be provided, that an objection to a voter already upon the list should not be entered upon, until the objector

made a *prima facie* case against the right. He thought, too, that a further provision would be desirable upon this point to prevent wholesale objections of a frivolous and vexatious character to large bodies of voters. That evil would be guarded against by making the objector give security for costs in case he should fail in making good his objections. It would also be necessary to guard against a fraudulent practice of claiming in respect of property which does not exist, and giving an address which could not be found. With the permission of the House he would now call its attention to what the present bill contained. The leading provisions of the bill were, first, to form a new court of registration; secondly, to establish a court of appeal, which hitherto had not existed as regarded the registration of votes; thirdly, to alter the franchise, both by diminishing the time during which rates and taxes must have been paid; and, by reducing the amount of contribution to the public burdens, which it was at present necessary that a man should make, to entitle him to the right of voting; and, lastly, it provided for a distinction hereafter to be made between voters in general—one class consisting of voters who might be objected to, and another class consisting of voters who might be called established voters, or permanent voters, being men to whose right of voting, after certain ceremonies had been gone through, no objection was ever again to be made. Before he entered into a discussion of these provisions of the bill, he begged the House to consider for a moment what the present courts of registration were, and what the nature of the objections to them. The great object of the Reform Bill was to establish courts, which would travel round the country simultaneously at a convenient time of the year, for the purpose of registering all the votes of all the voters in England. The season selected for the discharge of this service was when no other public business could possibly interfere with the progress of it—when Parliament was not sitting—when the courts of law were idle—when the labours of agriculture were concluded—in short, a season when there were the fewest calls upon individuals to prevent a due attention to the establishment of their public rights. A system of that kind could only be carried into effect by the existence of such a bar as that which happily was possessed by this country. It could only be carried into

execution by taking barristers, nominated by the judges, and sending them simultaneously upon all the different circuits. What was the advantage of this system? He always understood, that the great advantage was, that the claims of all the voters in the kingdom were considered and registered as nearly as possible at one and the same period. The barristers chosen were not, certainly, men of great experience in their profession; and perhaps it would be impossible to obtain men of greater experience, as the remuneration offered to those gentlemen was very limited; and they could not obtain men of long standing at the bar to fulfil such duties, unless, indeed, they made choice of parties who had failed in their profession. He believed, therefore, it would be difficult to improve the system in that respect. If permanent judges were established, the whole of their time must be dedicated to the one sole duty of registration—they could mix in no other avocations—take no other part in the administration of the law. He would leave the House to form an opinion as to what the efficiency of judges would be, whose duty was thus limited to one object alone. Under the existing system, the young men who were appointed to perform the functions of revising barristers were taken from the ranks of the profession, whose daily habit it was, to watch the proceedings of the courts of Westminster-hall, and who, in fact, might be said to belong to the family of the law. Returning from their registration circuit, they re-entered the family mansion, mixed again with their brothers of the law, and profited by the experience to be obtained from a daily attendance on the administration of justice in the different courts. Out of this circumstance was derived a great security for the careful and proper discharge of the duties delegated to the registration judge; for, if upon his circuit he should happen to go wrong—happen to fall into error in his decisions—he was sure of not being dealt with very lightly or very sparingly by his legal companions when he rejoined them at the Sessions, at the circuit table, in Westminster-hall. To use a common phrase, if he happened to make a wrong decision in the course of his circuit he would not fail to be well “rowed” when he came back. He (Sir Edward Sugden) thought, therefore, that the courts, as at present constituted, afforded very great advantages. Why should their constitu-

tion be changed? He owned he was at a loss to answer that question. The noble Lord waited till the system worked well before he proposed to abolish it. The country was satisfied with the present courts. There were, no doubt, conflicting decisions, but they were now chiefly confined to points which their own legislation had left open, and upon which even the judges of Westminster-hall would not be agreed. It was a subject of complaint, that barristers were appointed the moment they were called, and therefore without experience, but this would easily be remedied by the bill now before the House. It was evident that the noble Lord, when he proposed a new tribunal, with a new set of judges, did not anticipate that that tribunal would be perfect, or that its judges would not sometimes fall into error, because, at the same time that he proposed to establish a Court of Registration, he proposed also to establish a Court of Appeal. What necessity could there be for a court of appeal if the lower court were so constituted as to secure uniform correctness of decision? What was it that the noble Lord proposed? Why that there should be fifteen judges, who should perambulate England and register all the electors. To what extent would this duty employ them? If he were permitted to judge by the number of days and hours which had been occupied by the 160 or 170 barristers hitherto employed to effect the registration, he came to the conclusion that each of the fifteen new judges would be employed some 230 days in the year in revising the electors of England and Wales. That would necessarily take them out of Westminster-hall, and render it utterly impossible that they could attend to any other matter. Now, if he were asked what would be the quality of those judges after the lapse of a given time, he should say, that it would be infinitely below that of the present revising barristers, because, instead of taking part in the general business of Westminster-hall, they would be entirely absorbed by the duties imposed upon them—would live, as it were, in an atmosphere of their own—would have no opportunity of improving their legal knowledge—would be cut off from the rest of the profession—in fact, would become mere political judges. For his own part, he had never quite understood the nature of the objections which had been made to the judges of the land having a certain jurisdiction in these cases.

He was told, that it would make them political judges. He did not quite understand what was meant by that objection. Was it intended to say, that if a judge of the land was to decide in some twenty registration cases in the course of the year, he would become a political judge: that he would be contaminated and infected by the decision of those cases in such a way, that no man afterwards could have confidence in him as a judge in civil and criminal cases? If that were so, if the judges of the land, who were engaged in carrying on all the judicial business of the country, were to be thus contaminated by the decision of a score of registration cases, then he asked the noble Lord to consider what the effect would be upon the fifteen judges whom he proposed to appoint, and who would have to decide nothing else but registration cases? If there were any force in the objection as applied to the judges of the land, he must say, that he thought the noble Lord particularly unfortunate in the selection of his tribunal for the trial of these political rights. This was to be followed by a Court of Appeal. But before he showed the House what the effect of these fifteen judges would be in other respects, he begged first to draw its attention to what he considered to be a most important part of the case; and that was, by whom were these judges to be constituted, and what would be the effect of the manner of constituting them? The judges of the land were to select forty-five barristers, and out of these forty-five the Speaker was to select fifteen, who were to be the judges of original jurisdiction in all matters connected with the registration of electors. The court of appeal was to consist of three judges, who were to be selected by the Speaker, not out of any list furnished by the judges, but out of any portion of the bar that the Speaker thought proper. The Speaker, also, was to fill up all vacancies that might occur in the courts of original jurisdiction, or in the courts of appeal, without reference to the recommendation of the judges. Now, this proposal was only part of a great system; for in the Irish Registration Bill, introduced a short time since by the noble Lord the Secretary for Ireland, he found that a court of appeal was to be established, in which also the judges were to be nominated by the Speaker. The Scotch Registration Bill was not yet present, but he was informed that in that bill likewise the same course was to be observed. The noble Lord, therefore, and

the Government, evidently entertained a settled scheme of establishing the Speaker of that House as the nominator of all the registration judges in the three kingdoms. Now that was a scheme which he (Sir E. Sugden) earnestly hoped would be defeated. There was a time, indeed, when it was thought not inconsistent with the duties which the Speaker had to discharge in that House, that he should hold other situations of an official character under the Government. That time had passed away—it was not now competent to the Speaker to hold any official situation under the Government of the day. Speaking, however, upon this point, he (Sir E. Sugden) could not lose sight of what took place in that House on the nomination of the predecessor of the present Speaker. He could not forget that the grounds of objection to the former Speaker were said to rest upon a principle which ought to be established in that House, and that principle was loudly proclaimed to be, that the Speaker must, in his political sentiments, agree with the majority of the House. That being laid down as a fundamental principle, he must assume that the Speaker would always coincide in political views with the Government, because it was difficult to suppose that any government could exist which did not represent the opinions of a majority of that House. He would not pay the present Speaker the idle compliment of saying that he did not fear what he would do, but that he feared what others might do. The eminent qualities which that right hon. Gentleman had shown in the chair, and the high estimation in which he was held by all parties, enabled him to say fearlessly, and without the hazard of being misunderstood, that he would trust neither the present nor any future Speaker with the power proposed to be given to him by this bill. The duties to be devolved upon him were of a nature that required the utmost impartiality; and although he did not doubt that any Speaker would desire to act without partiality, yet, as he must necessarily have some political bias upon his mind, it would be difficult for him, unless he were differently constituted from the mass of mankind, to prevent that bias from having some influence upon his judgment. When the list of barristers nominated by the judges was put into his hand, he would probably find the names of gentlemen of all colours of politics; and when he came to make his selection from these—

seeing that in point of legal qualification there was little to choose amongst them—the natural bent of his mind would be to select those who entertained the same opinions upon politics which he himself professed. Nay, it was quite possible—the House having established the principle that the Speaker's politics must agree with those of the majority of the House—that the Speaker, in making his selection of the registration judges, might consider himself bound to take those whose political views coincided with his own. The judges of the court of appeal were, in like manner, to be nominated by the Speaker. He (Sir E. Sugden) begged the House to consider for a moment what the effect of this would be upon the character and station of the Speaker. He believed, that the independence of the Chair, that the position which the Speaker now held in the estimation of both sides of the House, and the honourable associations connected with the name and office of him who presided over the proceedings of the House of Commons would be considerably lowered, and damaged by the exercise of the new functions proposed to be given to him by the present bill; he believed that the effect of it would be to reduce the Speaker to a mere political character. Every appointment made by him would be canvassed by both sides of the House, and however honourably or conscientiously, he might have discharged his duty, exceptions would be sure to be made to it. This was a situation to which the Speaker ought not to be exposed. He felt that he was entitled to consider himself as the advocate of the Speaker whom he was addressing, and in that character he called upon the House not to place their Speaker in a situation of difficulty in which no other Speaker had stood. When Speaker Southall answered the question of Charles the 1st. in the House of Commons, he made use of these memorable words:—that he had no eyes to see, nor tongue to speak, in that House except as the House was pleased to direct him, whose servant he was there. That office was the most honourable to which a commoner could aspire; but he warned the House not to convert their servant into their master. As regarded the court of appeal, the duties which that court would have to perform would be those which the House of Commons itself had not, in the balanced state of parties, the means of performing. The court of appeal would have to decide upon those

important matters, which, in point of fact, would settle the question which of the two great political parties into which the kingdom was divided, was to be predominant in the election of Members to serve in Parliament. According to the present bill, the revising barristers, instead of being compelled to hold their court at a fixed period, could do so at any time that best suited themselves. This, in his opinion, would create great inconvenience and injury throughout the land. By the provisions of the bill, the period fixed for the payment of rates would be materially altered; it would depend, not as it did at present, on a certain fixed day throughout all the country alike, but it would depend on the period when the judge gave notice of his intention to hold his court of registration in that particular district. What would be the consequences of this? There would be different classes of voters in the same county, and different rights of voting never contemplated by the Reform Act, but brought into operation by these new fangled clauses. He could have wished, from the respect which he bore to the noble Lord opposite, that he had proceeded to alter the franchise in a more manly way, that he had done his work in a more bold and straightforward manner. The franchise was altered by the bill, but in so skulking a way, that this could not be discovered except by a person qualified to judge of the interpretation of Acts of Parliament. The alteration was sought to be accomplished by clauses which professed to have other objects. It was not a measure which the leading Minister of the Crown ought to have laid on the Table of the House of Commons. He used strong language in regard to this mode of altering the franchise, and he felt bound to show that House that he had not done so without considerable provocation. The clauses relating to that point so completely altered the Reform Act, that, if the present measure passed, the payment of taxes as a qualification to vote would be rendered unnecessary. The noble Lord, when he made such a proposition, ought to have brought it fairly and openly before the House. The noble Lord had not probably read "Coke upon Littleton." If he had, he would recollect that, among other things, the student was advised not to trust to abstracts or to extracts, but to read the originals. He had read Coke and profitted by the advice. He had also read both the abstracts and the body of the present bill. In the abstract, page 9, he found

on the margin—"Overseers to give public notice as to the payment of rates and taxes by occupiers of premises of the yearly value of 10*l*." That was satisfactory enough; but he wished to know why, in the clause itself, the words "taxes" were not introduced. Which was wrong, the abstract, or the body of the bill? [Lord *J. Russell*: It was a mistake in the margin.] There was certainly a most material difference between the abstract of the clause and the clause itself. When the noble Lord brought in the Reform Bill, he required, as the condition of voting, not only payment of the rates and taxes, but of the whole rents, rates, and taxes. He was the person who objected to the word rents; and when Lord Althorp told him that he was determined to yield to the objection, and to strike out the word rents, the noble Lord at the same time said, that he did not think that the alteration would be pleasing to him. He replied, that he knew it would lessen the qualification; but as he was convinced that it would create dissention between landlord and tenant, and perhaps give the former an undue influence over the latter, he cordially concurred in the word rents being struck out. He was entitled, therefore, to the credit of being a Reformer—at least to that extent. But what could have induced the noble Lord to attempt, by a side wind, to strike the word taxes out of the Reform Bill? Was it in order that the present bill might be in unison with one brought in on the same subject in regard to Ireland? In the bill which the noble Lord had introduced in 1838, and which went up to the House of Lords, there was no withdrawal of the word taxes, nor was there in the bill introduced by the Attorney-general in 1839. Therefore the question, as to the omission of the word taxes had never yet been discussed. To that extent, then, the present measure interfered with the principle of the Reform Bill. Ministers desired to lower the qualification, and thereby to increase the constituency, without assigning any reasonable motive, and in a way not at all consistent with that in which so important a question ought to be introduced. He had another objection to the bill. It went to create a new class of voters, which the noble Lord called established voters. He objected to this, because it introduced a class of voters having the same interest, but with different rights. This would produce great inconvenience, and establish a distinction which it was not de-

sirable should exist between rich and poor. According to the provisions of the bill, if persons were objected to in claiming to be registered, they might at the time of revision claim to be entered as established voters; and if, after the objections against their titles had been heard, they were found to be entitled to be put on the registry, they were to be considered as established voters, whose titles were not liable to be afterwards called in question. He begged the House to consider what a system of wholesale fraud such a practice might introduce. A person who had title had only to get one of his own friends to come forward and object to his being put on the registry, and when the barrister had disposed of the objection, that person would claim and be admitted as an established voter, unchangeable while he remained on the registry. A better mode of introducing fraudulent voters could not be conceived. These were his objections to the bill. If the House would bear in mind that they had now a tribunal which was working well, with which, he would venture to say, the country was satisfied. [No.] He believed, that the country was satisfied with the present revising barristers—the system might be capable of some improvement; but show him any tribunal which had worked better, or produced more satisfaction than the registration courts. He believed, that the present system was entirely free, whatever defects it might have of its own, from those evils which he had pointed out as likely to result from the bill now before the House. He begged to remind them, that the original reform bill proposed, that the nomination of the revising barristers should rest with the judges, subject to approval by the Lord Chancellor. This was objected to, because it would have given a political character to those individuals; and the Government, after a discussion on the clause, consented to withdraw that check, and left the appointment as it now stood, in the hands of the judges. He had no objection to the establishment of an appeal court, but he did not think that the noble Lord correctly estimated the results of this part of the measure. He was confident that, after the first year, the judges would not find it necessary to sit beyond six or seven days, as they had only to decide on questions of law, and not on matters of fact. The points of law would be very few indeed, and the differences would arise not from any difference of

opinion between the judges as to the law, but on those various points which the Legislature themselves had left doubtful. He had great authority for the alteration which he proposed to make in the measure. He had the authority of the noble Lord himself, and also of the Government. He took the bills of 1838 and 1839; nor would he propose anything of importance which had not already obtained the concurrence of the noble Lord. Last year the noble Lord had brought forward a bill, on which the present measure was founded, and also another bill, which went to alter the franchise in several important particulars. That bill, however, had not been brought forward during the present Session, and he wished to know why it had not been brought forward in connection with the present measure, in the same way as it had been in the last Session of Parliament? He understood that the Government were anxious to define the franchise in Ireland; yet, as regarded England, the present measure would leave all the difficulties attendant on the franchise untouched. What then was the course he ought to pursue? Should he oppose the second reading, or reserve himself for the committee. In the alteration which this bill sought to accomplish in the franchise there was this difference between it and the bill for Ireland—it sought to effect it in a hidden and in a sort of petty larceny way, while the bill for Ireland went directly to the point. He did not feel himself called upon now to grapple with any principle, and to oppose the second reading. It was for these reasons that he would propose in committee to strike out the obnoxious clauses, and he would ask leave to introduce other clauses, in order to establish a perfect system of registration, with which he was confident both sides of the House and the country would be satisfied.

Mr. *Gisborne* was happy to find, from the speech of the rt. hon. Gentleman who had just sat down, that there was a large part of the bill to which there would not be much opposition. The evils sought to be remedied he conceived, were—first, those relating to the great facilities and encouragement which the present system gave to objectors; and in the second place, those which had arisen from the various interpretations of the law by the revising barristers. In respect to the first, the hon. and learned Member seemed to admit that the bill

would not only cure those evils, but would do so in an unobjectionable manner; that was the view which he himself took of the measure. He was certainly much surprised, however, to hear it stated that very little evil had arisen from the varying decisions of the revising barristers. He suspected that the hon. and learned Member had not been used to attend the registration courts. He remembered being once present at one, where one of the revising barristers sat in a room on one side of the passage, and the other in a room on the opposite side. There was nothing but the passage between them, yet the one admitted the claims of a person holding the lease of a chapel, while the other rejected them. He remembered also that three Quaker gentlemen had claimed on their property, through the middle of which the boundary line ran. The property was all conveyed by one deed. They attended at one place and their claim was sustained; but in the other division, although they attended and produced their deed, the revising barrister was of a different opinion, and would not admit their title. These were only samples of the great evils of the present system. Whatever ingenuity had been exercised in defining the franchise, equal ingenuity had been used to defeat it. He believed the noble Lord had adopted the plan which was the most likely to attain a uniformity of decision in points connected with electoral law, yet the plan was not without its faults. He thought it objectionable that the judges of the Court of Appeal should have in some degree a coordinate power with the legislature itself. He believed, however, that on the whole it would be more likely to produce uniformity of decision than any attempt they might make to define the franchise by words. The hon. and learned Gentleman had objected to the nomination of the revising barristers and of the judges of the court of appeal being given to the Speaker. He begged to remind the House that in the bill which they had passed in 1838, and which was not returned from the House of Lords, the nomination of the revising barristers was placed in the same hands. The right hon. Gentleman could not but recollect, when he objected to the Speaker having appointments of a political tendency, that the right hon. Gentleman himself, when he introduced the question of election committees to the House, made

no objection to placing in the hands of the Speaker, the nomination of the committee who were to have the whole power of determining the character of the election. He could not see anything more objectionable in the Speaker nominating the revising barristers than in this. If ever there was a case when that power could be objected to, it surely was in that of an election committee. In regard to what had fallen from the hon. and learned Gentleman in reference to the established voters, he thought it might produce great benefits in this respect; but whether it did so or not depended completely on what the voter might be called on to establish before he was admitted on the registry. The words of the Reform Act were, "provided the claim of the party was proved to the satisfaction of the revising barrister." Certainly these words gave large and extensive power to the barrister. It left a great deal in his hands; nor was he prepared to say that the revising barristers had abused it. The usual custom was, to call on the voter to prove his title to the property on which he claimed. If the person in possession held the property contrary to law, he said let the law vindicate its right; but it was a dangerous thing to leave to revising barristers the power of trying the validity of a person's title to his property. No countenance was given in the original bill to this part of the subject; but the 56th clause of the present measure declared,

"Nor shall any objection to the title of any such established voter to hold any lands or tenements be allowed, unless the objection be grounded on something which shall have happened after the date to which the qualification of such voter was last established."

The plain inference from this was, that if the party was not an established voter, the revising barrister might inquire into his title. He only wished to know why the words had been introduced in regard to established voters only. Why was the title of a party not an established voter to be subject to inquiry after he was once upon the registry? The noble Lord said it could not; but the clause which he had just read certainly gave a colour that it could. He was happy to hear some Members say that it could not be inquired into. If that was the case, one great objection which he had to that part of the bill would be removed. He thought some alterations ought to be introduced in order that the bill might be made consistent

with itself in this respect. He would go so far as to say that any person whose title had been objected to on any one ground should be considered, to a certain extent, an established voter, if that particular objection was disproved; and he thought that he should be so far put on a footing with the established voter as that he ought never to be objected to on that particular ground again. He thought that otherwise such a clause would press very severely on the smaller voters. Take, for example, the case of a poor man, having a small holding, and suppose that it was mortgaged. In order to satisfy the revising barrister, he must attend with his lawyer every time his claim was objected to. He could not see any objection to creating those two classes as established voters. He thought there was considerable force in the objection of the right hon. and learned Gentleman in regard to the perambulatory character of the court. He had heard nothing to convince him that the business might not all be done at one time, and he had no objection to leave it at the option of the revising barristers to fix the time. On the whole, he thought great benefits would accrue to the country from having a court of appeal, without which he could see no prospect of their obtaining uniform decisions in regard to the franchise. Without meaning any disrespect to the revising barristers, he did not think that, without some such court of appeal, they would ever get rid of the difficulties arising from a variety of decisions. Although he entertained some trifling objections to the measure, he thought that it was founded on sound principles, and would correct many of the greatest abuses in the present system in a most unobjectionable manner. He should therefore vote for the second reading.

Mr. Warburton did not mean to enlarge on the objections which the hon. and learned Gentleman opposite had thrown out against the bill, but he thought it had been an almost established point, that the present system of the revising barristers was objectionable and inconvenient to the country and to the House, from the great number of disputed points which had been brought before the election committees. Repeated discussions had taken place on the point, whether it were expedient to continue the present condition of the revising barristers, or to limit them to a smaller number with a court of appeal.

After repeated negotiations had taken place on both sides of the House as to the mode in which the reduced number of revising barristers should be appointed, and after the understanding which had been arrived at in regard to these appointments, the former bill on this subject went through its final stages without any division. The very point, therefore, on which so much objection had been raised, was one which had been mutually agreed to by both sides of the House in 1838. The hon. and learned Gentleman had dwelt at great length on the exceeding difficulty of finding persons properly qualified for the fifteen proposed judgeships, "because," said he, "they would be excluded from the practice of their profession." He begged to refer the honourable and learned Gentleman to the constitution of the present Court of Bankruptcy. Were the commissioners of that Court not excluded from practice? Had the working of that court been found to be disadvantageous to the public? Did the objection of the hon. and learned Member apply to that court? Yet the commissioners were excluded from Westminster Hall. On the contrary, whatever objections have been raised to some parts of the constitution of the Court of Review, none had ever been raised to the Bankruptcy Court. Why? Because any sort of point of law that was possible to be raised, came before the Commissioners of Bankruptcy. He could hardly describe the cases in law or equity that might not come before the revising barristers. He admitted that the manner in which the distinction between established and other voters might be evaded was a very proper question for consideration in the committee on the bill; but a clear distinction between them ought to be taken.

Mr. *Hume* was willing to allow the weight of several of the objections taken to the bill by the right hon. and learned Gentleman; and the simple mode of getting rid of them all was, for the noble Lord to define in this bill, as had been done in the Irish bill, what the suffrage should be. It had been held that what was good for England was good for Ireland; and he saw no reason why what was good for Ireland should not also be good for England. As far as the bill went it seemed to him an improvement, and the two principal clauses would remove many existing difficulties; but the time had arrived when it

was highly expedient to make the suffrage in the two countries similar.

Mr. *Alston* was also of opinion that the right of the voter ought not to depend merely upon the dictum of the revising barrister.

Colonel *Sibthorp* referred to certain salaries named in the bill, and expressed his desire to learn from the noble Lord what they were likely to amount to? He was prepared to be astonished at very little from the other side of the House, but he should still be surprised if the noble Lord had not yet made up his mind on the point, after having proceeded thus far with his bill.

Lord *J. Russell* did not think it necessary to state his views upon that point until the House went into committee on the bill, but it might be some comfort to the hon. and gallant Member to be informed that there would be a considerable saving under the new plan. At present the cost of registration was about 35,000*l.* or 36,000*l.* a-year, and by this bill it would probably be reduced to the extent of 15,000*l.* or 16,000*l.* a-year. He did not mean to follow the right hon. and learned Gentleman through the various details into which he had entered, but he would notice one or two points. Objection had been taken to some supposed unfairness in the wording of the bill, particularly by the omission of the word "taxes," in the body of the bill. The marginal abstracts of bills were sometimes incorrect, and he (Lord *J. Russell*) did not undertake to be responsible for their accuracy; but he said last year that he thought it not advisable to keep up the restriction as to the payment of taxes as well as rates. He thought the payment of poor-rates quite a sufficient test of the solvency of the voter. Voters were often liable to be disfranchised by the non-payment of taxes up to a certain day. He had no direct proposal to make on that subject in the present bill; but it was his intention to renew a measure he had introduced last year on the subject of the payment of rates and taxes, and changes of occupation. He could not concur with the hon. Member for Kilkenny in thinking that the cases of England and Ireland were parallel. The hon. Member had said, "Make the franchise the same in both countries;" and the observation had been much cheered on the Opposition benches. [*Cheers.*] He did not exactly know what was meant by the

cheer, if it meant that it would be expedient to abolish the right of the 40s. freeholder in England, he could not agree in that opinion; for he thought the 40s. freeholders in this country a most valuable constituency. If, on the other hand, it meant that it would be proper to restore the 40s. freeholders of Ireland, he must say, that he was not prepared to take any such course. On Monday next such an announcement might possibly be made; but he should be much surprised at it. The franchise was not the same in England as in Ireland, and the same doubts did not arise regarding it, and on every account he saw no reason for adopting the suggestion of the hon. Member for Kilkenny.

Bill read a second time.

[TURKEY, SYRIA, AND EGYPT.] Mr. *Hume* wished to save the House the trouble of presenting an address to her Majesty, and would therefore put a question to the noble Secretary for Foreign Affairs. At the commencement of the Session the noble Lord had promised to lay upon the Table of the House the papers connected with the late Syrian war. Three weeks had since passed, and he was desirous of being informed whether the noble Lord could fix any definite day when they would be ready? He was waiting for them in order to submit a question to the House founded upon them.

Viscount *Palmerston* observed, that the time that had elapsed certainly might seem long, but there had been no unnecessary delay. The papers formed a great mass, and the severe pressure of the current business had, perhaps, in some degree interfered with their preparation. No time should be lost, but if he were to name any definite day it would only be mere guess-work.

Mr. *Hume* remarked, that the delay that had occurred looked a little like trifling with the House, especially when it had been told that the object of the treaty of July had been attained.

Subject at an end.

[NORTH EASTERN BOUNDARY.] Sir *R. Peel* wished to be informed what was the precise position with the United States of America in reference to the question of the North-Eastern boundary? A report by two commissioners had recently been published; they had been appointed

by this country to examine the boundary between the State of Maine and the possessions of Great Britain. On the publication of that document, had any steps been taken by the two governments in concert for the purpose of bringing that long litigated question to an end?

Viscount *Palmerston* replied, that the present situation of affairs was this: Great Britain had first proposed a draft of a convention for the appointment of a commission to settle the boundary. That draft had not been accepted by the United States and a counter draft was sent over by that government. It was not one to which Ministers in this country could accede, and in the early part of last year they made another proposal. They thought that it would have been agreed to by the American cabinet; but that cabinet had despatched to Great Britain another proposition, which had not received assent on this side of the water. The survey on which a report had been made, had taken place independently of the pending negotiation, in order to save time and to secure as much information as possible relative to the geographical interests of Great Britain. Of course what had been done was only on the *ex parte* statement of the British commissioners, and could not be binding (nor was it, of course meant to be so) upon the other party. The United States had also sent commissioners of their own to inquire, in the latter part of last summer, but he believed they had not made any material progress.

Sir *R. Peel* had referred to the report of Colonel Mudge and Mr. Fetherstonhaugh, which had been made without concert with the government of the United States, and by the recommendations of which they were of course in no way bound. He wished to know whether there had been no joint commission—no proceeding in concert between the two governments in order to bring the question to adjustment. All that had been done seemed to be, that certain proposals had been made on both sides which had been reciprocally rejected.

Viscount *Palmerston* said, that such was not precisely the case. The two governments had agreed to appoint a commission, but they had not agreed to the details of the arrangement. Colonel Mudge and Mr. Fetherstonhaugh had been employed by the British government alone,

but the American government had been informed of the intention to send them.

Sir *R. Peel* inquired if the American government had agreed to the appointment of a commission which should have the power of deciding the matter at issue?

Viscount *Palmerston* replied, that at first a commission of one kind had been proposed by the United States, and the British Government had agreed to a modification of the arrangement. The United States had then proposed a commission of a different kind, to be connected with an arrangement for arbitration in case of difference. The first commission proposed was not connected with any arrangement for arbitration, but merely to collect information. Great Britain had agreed to that, but the government of the United States changed its mind: and thought that the course events had taken, made it desirable that the commission should be one coupled with an arrangement for arbitration. To that Great Britain had also agreed, and so far the two governments were in accordance. He could not enter into the particular points upon which the two governments had not yet agreed; but he might say, that the difference was not one of principle, but merely as to the mode in which the principle was to be carried out.

ECCLESIASTICAL COURTS.] Mr. *Hawes* wished to know whether government intended to bring forward any measure for the reform of the ecclesiastical courts as regarded church rates? It was of great importance that the jurisdiction of those courts in this respect should be limited.

Lord *J. Russell* answered that a measure upon the subject had been agreed upon, and would be brought forward by the Lord Chancellor in the House of Lords. Whether it might not be necessary also to introduce a bill regarding church rates into the House of Commons, he was not prepared to say.

VOTERS IN CORPORATIONS.] Mr. *Baines* referred to a petition he had presented from Leeds regarding the registration of voters in municipal corporations. From that petition it appeared, that the measure had completely broken down during the last registration, and the voting was obliged to be taken according to the registration of the preceding year.

The same thing, he believed, had happened at Liverpool, and he wished to know whether it were the intention of the noble Lord to introduce any measure to remove the difficulty. It was at present impossible to carry the existing law into effect.

Lord *J. Russell* was aware that difficulties had arisen in two or three large towns, and he believed it would be necessary to introduce a measure on the subject.

SERVICES OF LORD KEANE.] Mr. *Hume* wished to know whether there would be any objection to lay upon the Table a statement of the services of Lord Keane, in accordance with the report of the committee on pensions? He saw no reason why the rule laid down should be abandoned on the present occasion.

Lord *J. Russell* could have no objection: such a statement could only be honourable to Lord Keane.

Sir *J. C. Hobhouse* saw no connection between this case and those contemplated by the committee on pensions.

Mr. *Hume* observed that the committee of twenty-two Members had been unanimous.

Sir *J. C. Hobhouse* remarked, that the pension was given to Lord Keane for his services, as set out in her Majesty's Message.

Mr. *Hume* contended, that the pension was not granted for the particular, but for the general, services of Lord Keane.

Sir *De Lacy Evans* had served under Lord Keane. No officer better deserved the gratitude of his country than that gallant officer, a statement of whose services was before the world, and not merely upon the Table of the House of Commons.

Mr. *Hume* was quite ready to move for the statement, if it were necessary to make such a motion. He moved, that a statement of the military services of Lord Keane (in the form recommended by the committee on pensions) be laid upon the Table of the House.

Motion agreed to. Adjourned.

HOUSE OF LORDS,

Monday, February 22, 1841.

MINUTES.] Bills. Read a first time.—Court of Exchequer (Ireland); Tithe Compositions (Ireland). Petitions presented. By Lord Wharncliffe, from Leeds, for Alteration in the Municipal Corporations Act.—By the Bishop of Ely, from Meigle, and Muchelney, for the Better Observance of the Sabbath.

TRIAL OF THE EARL OF CARDIGAN.] Lord *Wharnccliffe* said, that seeing that the publication of the proceedings in the recent trial of the Earl of Cardigan had been ordered by their Lordships, he wished to ask the noble Lord on the Woolsack, (the Earl of Shaftesbury) whether there were any record of what had been said by the learned Lord the Lord High Steward.

The Earl of *Shaftesbury* did not know whether there were any such record. He did not think it was usual, but he would make inquiry.

Lord *Wharnccliffe* thought it important to publish the address of the Lord High Steward, as it would put an end to a great deal of the nonsense that had been talked on the subject. He would also give notice that immediately after the holidays, if the matter were not taken up by some other of their Lordships, he would bring in a bill to clear up all doubts as to a Peer pleading his privilege in case of conviction for felony. He thought it would be very much to the discredit of their Lordships if that matter were not cleared up, after what had been said, in respect to the late trial.

The Marquess of *Normanby* said, that a noble Friend of his had intended to take the matter up, but would not, of course take it out of the hands of the noble Baron opposite.

Subject at an end.

THE CHARTISTS.—REPEAL OF THE UNION.] Lord *Brougham* presented a petition from the National Charter Association at Bloomsbury, praying for the recall of Frost, Williams, and Jones. Formerly, in presenting a petition from the same association for the release of persons confined for mere opinions and not acts, he had taken occasion to refer to the unfortunate conduct pursued by her Majesty's Ministers with regard to the repeal agitation in Ireland; but he had since heard that the Government had put a sort of mark upon every person who took part in this question. He was told that a gentleman named Roche, who stood first on the list selected by the judge for persons to fill the office of high sheriff for the county of Cork, had been rejected on the ground that he was favourable to the repeal of the union. He was told that that gentleman had been asked whether, in case of his being selected to fill the office, he would pledge himself to abstain

from giving any opinion on the subject. Mr. Roche refused to do so, and on that ground he was rejected. He (Lord *Brougham*) now wished to ask his noble Friend (the Marquess of *Normanby*) whether that statement was true or not.

The Marquess of *Normanby* had had no direct communication on the subject with his noble Friend the Lord Lieutenant for Ireland; but from what he had heard he had no hesitation in saying that a correspondence did take place with Mr. Roche, in consequence of which his noble Friend the Lord Lieutenant had selected for the office of sheriff the gentleman whose name was second on the list.

Lord *Brougham*.—I believe, my Lords, that no one will think that I hold different opinions on the subject of the repeal of the union from those of my noble Friend, or of the Lord Lieutenant of Ireland. But I must say again that I do not think this the way to expose the error, or to put down the discussion of that question. I cannot see why the repeal of the union is to be excepted from other questions, and why men should be prevented from taking part in the discussion upon it just as much as upon any other, the discussion being no offence known to the law.

RELATIONS WITH PERSIA.] The Earl of *Ripon* said, that in making the motion of which he had given notice, though he had lately understood that that motion would not be opposed by the noble Viscount or her Majesty's Ministers, yet he felt it to be his duty to state the grounds on which that motion was made. He had been led to this course from the great importance of the subject to which it related. Reluctant as he always was, on general grounds, to call for the production of papers during the course of the negotiations of which those papers were a part, and to which they alluded, yet he thought that the present position of our affairs in Persia—the relation in which we at present stood to that country—the differences which had arisen respecting it—warranted him on the present occasion in violating the rule which he had laid down for the guidance of his general conduct. He thought that the circumstances of the case justified him in making the motion, and he did not, when he had first given notice of it, imagine that any public inconvenience could possibly result from compliance with it or from his giving such

notice, for had he imagined that any inconvenience could have possibly arisen, he certainly should not have pursued such a course. There was something peculiar, something very little understood, something very unintelligible, with respect to our relations with Persia, and he would now draw their Lordships' attention to the manner in which those relations appeared to stand. At the opening of the Session of 1839, her Majesty, in her speech from the Throne, had stated that an interruption in our friendly relations with the Court of Persia had taken place, and a hope was also expressed by her Majesty that such interruption would not be of long continuance. Soon after the commencement of the Session a mass of papers had been laid before Parliament, for the purpose of showing the cause of that interruption in our friendly relations which had been alluded to in the speech, and the grounds on which our Minister at Teheran had withdrawn from that Court. It appeared that those grounds were principally connected with the conduct which had been pursued by the authorities of Persia towards a certain courier. There were other matters in which the two Governments were more or less implicated, but the immediate cause of difference appeared to be the circumstances attending this matter of the courier, to which he should presently direct their Lordships' attention. It appeared that our Minister had quitted the Court of Teheran, and had directed those attached to the embassy to retire to Erzeroum, within the Turkish territory, whilst he had directed Sir Henry Bethune, Colonel Shiel, and the military officers to proceed to the city of Bagdad. The Ambassador himself came to England. It appeared that the Schah of Persia, alarmed at the prospect of the interruption of the friendly relations with this country, had sent a Minister here to discuss with the British Government in this country the matters which had been in discussion between the Persian government and the British Minister at the Court of Teheran. Her Majesty's Government had thought it their duty to state to the Persian government and to that individual, that he would not be received as an envoy unless he were empowered to make all the concessions which Sir John M'Neil had required of the Schah, and more especially in the business relating to the courier. Her

Majesty's Government had directed her Ambassadors at the Courts of Vienna, Constantinople, and Paris, to make a communication to the Persian envoy, should they meet with him, that except those conditions were complied with, he would not be received. That individual came, however, to this country, in the month of June, 1839. He was not recognized by the noble Lord the Secretary for foreign Affairs; he managed, however, to penetrate the recesses of Downing-street, when the same conditions were insisted on; he had at that time some conferences with the Secretary of State for Foreign Affairs, whether by writing or personal conversation he could not say, but after a short residence here he returned to his own country, and from that time all communication between the countries had ceased. He had left this country on the 7th of July in the same year. So after a very short residence he returned to Persia, *re infecto*. This was in July, and in August—at the close of that Session—her Majesty had announced in her speech from the Throne, that she regretted to say, that the differences between the British Government and the Court of Teheran continued to exist, but she expressed at the same time her confident hope that the differences between Great Britain and Persia would be speedily and satisfactorily adjusted. Nothing more transpired in the course of this last Session upon the subject. There were many reasons which had deterred people from pressing her Majesty's Government for explanation, and from making inquiries, and he for one had been inclined to hope that at the close of the Session they would have been informed that all those matters had been satisfactorily settled. But her Majesty's Speech at the termination of the Session took no notice whatever of our relations with Persia, and those who took an interest in the matter were driven to hope that at the commencement of the present Session some explanation would be furnished. It was with great surprise and regret he found, that not one single syllable, good, bad, or indifferent, was said in the Speech at the opening of the Session. So that for upwards of two years and a half this affair had been going on, and all the interests of British subjects in Persia, personal and commercial—all the public and political interests of this country—from

that period had been left to the chapter of accidents, without the support, or the presence, or the authority, or the superintending vigilance of any resident efficient Minister at that Court. That was in itself a very unfortunate circumstance as regarded any country with which we might have been in friendly and close relation; but it was particularly so with respect to Persia, because it had been the policy of this country for many years to cultivate the closest connection with that country. The cessation for upwards of two years of an alliance of that sort was no very light matter, more particularly when it had been accompanied with some circumstances of irritation and alienation of feeling, because, though this country might recover the connection, though it might get back into what might appear to be a state of friendship, it was not certain that the alliance would be recovered with the same feelings and with the same advantages. There was another circumstance that made it peculiarly unfortunate there should have existed this alienation, which was the time and circumstances during which it took place, for it was contemporaneous with that undertaking of a gigantic operation beyond the Indus, upon which he would express no opinion then, except that it was an operation the results of which were not fully developed, and with respect to which no one would venture to pronounce until they were developed, whether they would be for the benefit or the detriment of this country. He hoped they would prove to the advantage of this country, but it was clear that any interruption of our relations with Persia during the time that was going on must greatly aggravate the difficulties of the case. Besides which their Lordships would recollect that one of the many grounds on which the expedition was undertaken was to meet certain assumed dangers arising out of alleged intrigues and designs on the part of Russia. It had been obscurely stated in the declaration, but the allusion was obvious. The same allusion was made with respect to the conduct of Persia, and it was represented that the same designs were entertained with respect to Persia, and the same intrigues carried on. It was true that when the Russian Government explained the matter to the British Government here, they expressed themselves perfectly satisfied with that explanation.

He, for one, had not joined in the alarms which many persons had entertained respecting the designs of Russia; but as those alarms did certainly exist in the minds of large and influential bodies, it was, to say the least, a most untoward circumstance that this absence of British authority at the court of Teheran should take place exactly at this time, and instead of seeking, under such circumstances, to unite still more closely, and by the mutual ties of interest, the two countries, that Persia should be left completely open to the intrigues to which he had referred. The two countries were now respectively in a position which he did not understand. He did not know whether they were at peace or at war. It seemed an easy thing to ascertain; but really, in the present case, it was a question which he could not answer. Her Majesty's Government, he supposed, would say, that we were not at war with Persia; and if they could show that there had only been an interruption of diplomatic relations he would willingly think that was not war. The dispute which had taken place between the countries and the differences which still existed were also not of themselves war, nor was the abrogation of existing treaties in itself war, but he asked when this country had taken, forcibly taken, possession of a certain portion of Persian territory without their consent, knowledge, or approbation, and not only had taken possession of it, but retained that possession, and still retained the territory which had been thus seized—he asked, was not this an act of war? It might be unjust, it might be wise, or it might be the height of folly, but whether the one or the other, was it not the expression on the part of her Majesty's Government of warlike intentions? Could they say that it was more or less than an act of war? and having stated this fact to their Lordships, he was entitled to demand from the noble Viscount and the Government a full, clear, and specific explanation on the subject. Could it be said that the departure of Sir John McNeil from the court of Persia was an ordinary leave of absence? The East India company had engaged to pay for the support of a mission 12,000*l.*, but they could not be expected to pay that sum unless an efficient, an accredited, and authoritative mission was maintained at Teheran. And was there such a mission in Persia at present? Sir J. McNeil was either in England or

Scotland—Colonel Shiel, a clever and competent man was at Erzeroum, and Sir H. Bethune at Bagdad. How could this, then, be called an efficient mission? He would now beg for one moment to call the attention of their Lordships to the circumstances which had led to Sir John M'Neil's departure—the story of the courier, to which he had already alluded—for it was very important to bring the whole case fairly before their Lordships. He admitted at the outset his firm belief that, whatever Sir John M'Neil had done he had done from the very best intentions, but he must at the same time assert that what Sir John M'Neil had done was, in his opinion, absolutely and entirely wrong. But he was not desirous of pressing upon that Gentleman. He was confident, that Sir John M'Neil had acted from what he thought to be the best and soundest policy, but when their Lordships had heard what the course which he had adopted really was, and what were the steps he had felt justified in taking, he was confident that they then would join with him in regretting, as they would also join with him in his surprise at, the conduct which her Majesty's Government had taken respecting such a course, in confirming and supporting such conduct. It appeared, then, that some points of difference had arisen between the Schah of Persia and the Prince of Herat. These differences were in existence when Mr. Ellis had been our minister in that country. He had thought that the course which the Schah intended to take was alike injurious to his own prospects and to the interests of this country of which he was the able and zealous representative. Mr. Ellis had exerted his influence, and his influence was by no means insignificant, to induce the Schah to desist from the pursuit of the course which he had then intended to adopt. Mr. Ellis succeeded, and the designs of the Schah were, for a time, abandoned. They were, however, he regretted to inform their Lordships, subsequently renewed. He regretted to be compelled to say so, though he must confess, and he believed that it was generally admitted, that merely with relation to the Schah of Persia and the Prince of Herat, the Schah was in the right. Mr. Ellis had thought so, and Sir J. M'Neil was of the same opinion. In continuing then, his history of the facts; the Schah marched his army to attack Herat. This had been done in

1837. Whilst the Schah's army was continuing its march, and had approached nearly to Herat, an attempt had been made on the part of the prince of that place to induce the Schah to abandon his project. An envoy was sent for this purpose, and it appeared from Sir John M'Neil's despatches, that he failed in the object which he had had in view. Sir John M'Neil, from his knowledge of the feelings of the army, had had reason to believe—at any rate, whether correctly or not he had believed—that this envoy, on his return to Herat, would be stopped, and perhaps maltreated. So, accordingly, he had sent a courier to some place on the road to accompany the envoy thus far on his journey. This place to which Sir J. M'Neil had limited his courier's progress was to the Persian territory. But the courier had not been content to obey the directions of his master, whether induced by the envoy himself, or by whom he could not say, and had accompanied the envoy into the territory of Herat. He had fallen into the hands of some soldiers, was stopped, and more or less ill-used. Sir John M'Neil had thought, and this was his great error, that this proceeding had been intended as an insult to him as the Minister of Great Britain—an insult to the country of which he was the representative. He had demanded an explanation and apology; this had been granted, but not satisfied with this he had claimed also a specific reparation in a particular manner. He was not content with a general reparation in any manner which the Persian government might think the most suitable to the circumstances of the case, but he demanded a peculiar and specific mode which he himself pointed out, and not having obtained this he felt himself compelled to quit the country, and to interrupt by that one act the diplomatic relations for so many years existing between the countries. But what was this courier? He begged to call the attention of their Lordships to this point. What was the courier doing at the time? And who was this courier thus acting? He would just point out to them what this man was doing, an interruption to whom had excited so strongly the indignation of Sir J. M'Neil. Without an order, authority, or passport, he had gone from the Persian territory into that city with which Persia was in open hostility, and against which she was about to commence a

siege. Now, this being his conduct, who was the person pursuing it? Was he an Englishman? No. Was he an European? No. Was he an inhabitant of any of the British possessions in India? No. He was none of them, but he would tell their Lordships who he was. He was a Persian subject, and he was doing that, the commission of which by a Persian subject was nothing more or less than high treason, and which exposed him to the punishment of death. Under such circumstances—besides many other minor points which he would not now enter upon—was it wise, or politic, or necessary for his own dignity or for the dignity of the Monarch whom he served, or of the country whose interests he guarded, to disturb the diplomatic relations existing between Persia and England by a hasty withdrawal from the Court of Teheran. It was far from clear, then, that Sir J. M'Neil had been right in the course which he felt necessary to pursue. He believed, and the majority of their Lordships would agree with him, that he had acted wrongly, but he, under the heat of the supposed insult, might not so carefully have looked at the consequences or seen so clearly the results of his conduct or the principles involved in it. But the wonder was, to his mind, that her Majesty's Government had not seen the necessary results of such a course and had ventured to support and back up Sir J. M'Neil in his unusual and unnecessary claim for this specific reparation. For, what had her Majesty's Government actually done—what had they said, by their conduct? Why, they had said that the protection of diplomatic authority included any and every act committed out of the territory over which the ambassador's or minister's influence extended, and that it did so in defiance of the law of the country in which such act was committed. They had, in reality, claimed the right to absolve a Persian subject from allegiance to his own country. This was, indeed, a most important topic, and to it he most seriously invited the consideration of their Lordships. The Persian government had offered to Sir John M'Neil an apology—had given an explanation, and had acceded to some redress. But they had refused to go the other step which Sir J. M'Neil so imperatively demanded. They dismissed the officer who had seized this courier, about whom the dispute had alto-

gether arisen; but they would not go the further length—a point which Sir J. M'Neil would not concede—by proclaiming that the officer was dismissed on this ground, and on this ground alone. They had refused to go that length, though at the express request of Great Britain. It was deeply to be deplored that it was not thought sufficient to receive the apology which had been offered. But Sir J. M'Neil was not satisfied, and for this reason, he had left the country. For this reason, the noble Lord, the Secretary for Foreign Affairs, had refused to receive the envoy who had been sent from Persia to this country amicably to settle the differences which had arisen. When would such another opportunity present itself? By whom, at any future time, could the negotiations be carried on? Would Sir J. M'Neil conduct them? He was either in England or Scotland. Would Col. Shiel? He was at Erzeroum. Would Sir Henry Bethune? He was in Bagdad. Who then could conduct such negotiations? Would the Minister in Downing-street? Some explanation ought to be given—some explanation was due both to Parliament and the people for this neglect of so favourable an opportunity to settle the disputes, and heal the wounds which the conduct of Sir J. M'Neil had unfortunately caused. If any written communication had taken place between the envoy and her Majesty's Secretary it ought to be produced; but if the intercourse were purely private and conversational, they, of course, must do without it. But he thought it almost impossible that no written communication should have passed between the parties, and if so, that certainly was one of the documents which they ought to give. Having made so many observations, he would trouble their Lordships but for a few minutes longer. He trusted that they now agreed with him in thinking that the subject to which he had drawn their attention, was not a matter of slight importance, and he hoped that he had not treated it indiscreetly, or with passion, or with a spirit of partizanship. He could not think that such a state of things ought to have been allowed to go on for upwards of two years. The principle of refusing papers during the progress of negotiations, to which this referred as a general rule, was unquestionably sound, but there were circumstances in this particular case which pre-

vented its application. It was not treating Parliament rightly by leaving to private individuals the necessity of fishing out information for themselves on questions of such importance. The present state of our affairs with Persia was injurious alike to our commercial interests, and our political position, and every information on the subject should be afforded not productive of public inconvenience—and compatible with public safety. The noble Earl concluded by moving “for all correspondence which had taken place between her Majesty’s Government and the Court of Teheran, on the subject of the cessation of our relations with Persia.”

Viscount Melbourne—I perfectly agree with the noble Earl as to the importance of the subject which he has now brought before the House, and agreeing with him on this point, I think it was quite natural that he should so bring it forward. I agree with him also in opinion, that he has brought it forward most discreetly, without any passion or improper warmth, but with that prudence which characterises every step which the noble Earl takes in your Lordships’ House. It is our knowledge and full conviction of the great importance of this subject—a conviction which we share with the noble Earl—which, though the differences between this country and Persia are not completely settled, and the points of dispute are not so adjusted as to permit the renewal of diplomatic intercourse, yet, notwithstanding all this, has induced us, feeling what has been so strongly impressed upon us by the noble Earl, that no public mischief or injury whatever could arise from the pursuit of such a course, to lay before the House the correspondence which has taken place between her Majesty’s Government and the Court of Persia. We have determined to adopt this step, and to agree to the motion of the noble Earl, in order that every information may be given to your Lordships on the points of difference which have arisen, and, accordingly, we have not availed ourselves—as in perfect accordance with the custom and practice and constitutional precedent of Parliament, we were entitled—of the excuse for the non-production of those papers, that the settlement of such differences is still in progress. I feel that the noble Earl, who has taken several objections to the proceedings of her Majesty’s Government, will, by the production of these documents, be in a position

to form a more clear, sound, unbiassed judgment upon them, and that your Lordships will also be enabled, with him, to arrive at a more accurate and sound judgment on the course which we have pursued than, without them, either you or the noble Lord, by any possibility could. The noble Earl, in the course of his able speech, stated correctly the grounds on which the differences have arisen between the Court of her gracious Majesty on the one hand, and the Court of Teheran on the other. The original cause of the dispute was certainly that which we, and Sir John M’Neil, considered an insult to this country, and its representative. The noble Earl also stated correctly that an envoy had been sent to this country from Persia, and that that officer was not received by his noble Friend the Secretary for Foreign Affairs. He was not so received at first, but subsequently my noble Friend admitted him to some conferences. And here I beg to state, that in those conferences, the grounds were laid for the subsequent adjustment of the differences then existing between the countries; and now many of those differences—the matter with regard to the courier, the insult to our admiral, and other questions relating to the dignity of the British Crown, and the respect due to British agents, which are of the greatest importance to this country itself, but of the most vital importance to India, leading, if not properly regarded and maintained, to most improper conduct in the case of all transactions. Many of these differences have now been settled. The noble Earl was of opinion, that Sir J. M’Neil had been wrong in taking up so warmly the matter of the courier, and that her Majesty’s Government was wrong in supporting him; but I think, my Lords, that when you have read the whole of the papers for which the noble Earl has just moved, you will agree with my opinion, that a studied insult was offered to her Majesty’s ambassador, and that it was impossible to pass it over with less notice than was actually taken of it. I have before stated, that my noble Friend at the head of Foreign Affairs, saw the Persian Envoy when he was in London; but I must inform your Lordships that he did not see him officially—that he did not admit his official character. He saw him privately, and in such interviews, I again repeat, that grounds were laid for the accommodation of all those questions on which difference existed, except in one important particular. The noble Lord says, it is impossible to

decide whether this country is at war or peace with Persia. We have certainly terminated, for a time, the diplomatic relations of the two countries, but that does not constitute war, as the noble Earl very truly said. We have also, seized upon the island of Karrack, which we did in consequence of the expedition which formed the principal cause of difference between us—the expedition against the important state of Herat. The noble Earl has said, that the Schah of Persia had great cause of war against the governor of Herat, and that we admitted it. In some respects it was so. The ruler of Herat had committed aggressions upon the territory of Persia and had made slaves of Persian subjects. For these injuries we admitted that the Schah of Persia was entitled to demand reparation, but we never admitted the claim made by the Schah of Persia to the sovereignty of Herat, as being situated in the province of Khorassan, and therefore as soon as reparation was offered by Herat for the injuries committed, we contended that the grounds of war had ceased, and Sir John M'Neil assured the Schah of Persia that if hostilities against Herat were persisted in it would be war with England, and upon this notification the siege of Herat was raised and the Persian army withdrawn from the territories of Herat. Upon that very ground it was, that the Schah of Persia abandoned the siege of Herat, and retired to his own territory. With regard to the minor questions, the cases of the courier, and of the admiral, and other cases which he did not at that moment remember, ample satisfaction has been offered to the Government, which satisfaction we are prepared to accept. There is only one point which prevents the re-establishment of our diplomatic intercourse with Persia, and that is the question with regard to the fortress of Ghorian, a dependency of Herat, at the end of the valley in which Herat is situated, and a place of great importance to Herat, both in a military and financial point of view. The Schah of Persia said he would give up that fortress to the Prince of Herat, but until that question be settled, the Government has felt it a duty to continue the withdrawal of the British ambassador. As soon as that fortress is restored, peace will be re-established between the two nations, and the diplomatic functions resumed. Nobody can feel more than I do the great importance of the subject, and the great importance of settling matters so as to secure the peace and tranquillity of Central

Asia; and, my Lords, I beg to say, I have very strong reason to hope and expect, that the Emperor of Russia is actuated by the same feelings, and that we shall have his aid and assistance in composing those differences which unfortunately have so long existed between us and the Schah of Persia. I have now only to add, that I have no objection to the production of these papers.

Motion agreed to.

CANADA.] The Bishop of Exeter said, that he wished to call their Lordships' attention to a matter of some importance. It appeared by the votes, that on the 29th of last month, certain ordinances from Canada were laid on the Table and ordered to be printed. Some delay having occurred, he sent to the Queen's printer, and the answer was, that the ordinances were sent to the Colonial Office for revision, and that there were some deficiencies to be supplied. This answer, he must say, he thought rather extraordinary. According to the Act of Parliament, these ordinances must lay thirty days on the Table of the House, before they could become law; but they were not printed till the 16th of this month, and so there remained only eight or ten days for their consideration. He did not know what the proper course was, whether the Queen's printer should be called to the Bar to answer what questions might be put to him on the subject. He should like to know what was the proper course. Before he presented the petition to-morrow, of which he had given notice, he would ask the noble Viscount what explanation he could give on the subject?

Adjourned.

HOUSE OF COMMONS,

Monday, February 22, 1841.

MINUTES.] NEW MEMBER.—Hon. George Wentworth Fitzwilliam, to Richmond.

Petitions presented. By Lord Morpeth, Mr. Somers, Colonel Rawdon, and several other Members, from Down, Antrim, Sligo, Armagh, and other places, for Lord Morpeth's Irish Registration Bill.—By Lord Stanley, Colonel Bruen, Sir Charles Coote, and others, from Belfast, Carlow, Queen's County, and other places, in favour of Lord Stanley's Bill.—By Mr. Fielden, Mr. T. Parker, Mr. Phillpotts, and others, from Lancashire, Leyland, Gloucester, and other places, for Amelioration of the existing Poor-laws.—By Sir Robert Inglis, from Parishes in York and Norfolk, praying for Church Extension.—By Mr. Clay, from Shoreditch, for a Repeal of the Window Tax.

TRANSMISSION OF PARLIAMENTARY PAPERS.] Sir Frederick Trench begged

to call the attention of the Speaker to the great inconvenience occasioned to Members who lived at a distance from the House, by the regulation, which required that any Parliamentary papers sent by them to their constituents through the medium of the post, must be despatched from the House itself. He would suggest that Members should be supplied with stamped covers or envelopes, which should enable them to transmit such papers from their own homes, instead of imposing upon them the trouble and inconvenience of making a special journey to that House.

The *Speaker* intimated that the object of the regulation of which the hon. Gentleman complained, was to prevent the possibility of fraud upon the Post-office.

COLONEL STODDART.] Mr. *Monckton Milnes*, seeing the Foreign Secretary in his place, begged to put a question to him in reference to the detention of Colonel Stoddart, in Bokhara. The noble Lord, in reply to a question put to him upon the same subject on a former occasion, promised to use every means in his power to bring about the liberation of that gallant officer. He now wished to inquire whether that object had been attained?

Viscount *Palmerston* was sorry to state, that the exertions of her Majesty's Government to obtain the liberation of Colonel Stoddart had not as yet been successful. Still he had hopes that they would eventually succeed. Colonel Stoddart had been subjected to very severe and unjustifiable treatment during his confinement. He would not now go into the details, but he might state generally that he had reason to believe, that during the time he was confined, Colonel Stoddart might have obtained his release at the intercession of the agent of a foreign power, but Colonel Stoddart, not knowing that the intervention of that agent was sanctioned by his own government, very honourably and nobly declined to avail himself of it. Colonel Stoddart felt, that as he was employed by the British Government, it was only through the British Government that he could be released. Government would use all the means in their power for the purpose of obtaining his release.

INTERNATIONAL COPYRIGHT.] Lord *Mahon* begged leave to renew the question which he had put on a former occasion to

the noble Lord (the Secretary for Foreign Affairs) regarding the question of international copyright. Perhaps the noble Lord would be good enough to state what progress had been made on the subject.

Viscount *Palmerston* had found, upon inquiry, that propositions had been made to the Governments of the United States, the German Confederation, Saxony, and Prussia, but none of those overtures had led to any satisfactory result.

SWITZERLAND.] Lord *Eliot* wished to ask the noble Lord the Secretary for Foreign Affairs whether a document which had lately been published in the newspapers relative to the suppression of the convent of Argau, in Switzerland, was an authentic document.

Lord *Palmerston* could not answer for the authenticity of documents which might appear in the newspapers, or which one foreign government might make to another. Undoubtedly the Austrian Government had informed the Government of her Majesty that they had made certain communications to Switzerland on the subject alluded to by the noble Lord; but as regarded the document in question, he could not say whether it was authentic or not.

PARLIAMENTARY VOTERS (IRELAND.)] Viscount *Morpeth* then moved the order of the day for the second reading of the Registration of Voters (Ireland), Bill No. 2.

Lord *Stanley* said, that if the objections which those who sat on his side of the House entertained against the Bill introduced by the noble Lord the Secretary for Ireland had been confined to matters of mere detail or arrangement, if, agreeing in the main objects of the bill, or in the principles sought to be carried out, they differed from the noble Lord as to the mode and machinery by which those principles were to be carried into effect, or even in the subordinate provisions of the bill, he, for his own part, however wide that difference might be, or however important the points on which they differed, notwithstanding the opposition which had been offered to his own bill during the last Session, would have been content on the present occasion to have reserved all discussion to a subsequent stage. He should have offered no opposition to the second reading, but have felt it his duty to have taken the discussion *seriatim* on

the different amendments which he should have to propose on the House going into committee on the bill. But the course which the noble Lord had pursued rendered it impossible for those who thought with him, and he hoped also for those who habitually voted with the noble Lord himself, to give their assent to the second reading of a bill which tacked to the question of registration, by way of postscript, a subject important enough in itself to form a separate measure, and of infinitely more importance than even the system of registration, and which tended to alter the representative system settled so recently as the year 1832—a bill which did not aim at any slight modification of the machinery of the Reform Act, but applied principles altogether new to Ireland, and to Ireland alone, and differing from those established in any other part of the kingdom. As regarded the details of the bills brought in by the noble Lord and himself on this subject, with the exception of the tack to which he had alluded, the points in which they materially differed were not very numerous. They were of more or less importance; but though there was still considerable difference between the two bills, it was with great satisfaction that he found in the bill brought in by the noble Lord this year that he had approximated in no small degree to the principles which he had introduced to the House during the last Session—principles which had been the subject of so much vituperation from the other side of the House. In the course of last year the principal objection taken by the hon. Member the Attorney-general for Ireland, was stated by him to be, that he frankly and plainly objected to an annual revision at all. The noble Lord, however, had this year consented to an annual revision of votes; but the noble Lord had, at the same time, coupled the annual revision with what he (Lord Stanley) had proposed, an annual registration. The noble Lord also coupled with that annual revision a quarterly registration. The noble Lord, while he consented to purge the registry of names which had no right to remain on it, instead of applying the system which prevailed in England and in Scotland to Ireland, while he allowed the annual opportunity of revising the registry, kept up the quarterly machinery for registration, thus rendering it impossible that a perfect

system of registration should exist from year to year, mixing up the business of the registry in a most inconvenient way with the ordinary business of the quarter-sessions; and by introducing for their consideration the perpetual notices of claims and of objections, would, with the attendance necessary to substantiate these claims and objections, make the whole year one continued scene of registration and election. It would leave not a month, hardly a week of breathing time between Session and Session, but would keep the country perpetually engaged in election disputes. The noble Lord said, that he had consented to annual revision. No doubt the noble Lord had done so, but he had clogged the condition with such restrictions as would open a wide door to fraudulent and fictitious voters: for, though the noble Lord had told them that he would permit annual revision—though he permitted objections to be made to a voter on the ground that he no longer possessed the qualification, yet, if a voter should at any time succeed in getting his name on the registry, the noble Lord told them that it would not be sufficient for the objector to prove that the voter possessed no qualification; he would not be allowed even to raise an objection on that ground, or to make any other objection, but he would be bound to prove that the person had that qualification when put upon the registry, and that a change of circumstances had occurred by which he had lost it. The consequence would be, to give a person perpetual immunity from fraud when his name was once upon the registry. On this point, then, there was a difference between the present bill and his own. He had proposed last year that an appeal should be allowed against a claimant admitted, as well as in favour of a claimant rejected, and this, in the first instance, was deemed to be a great hardship. It was said,⁵ that this would be throwing great obstacles in the way of persons acquiring political rights, yet the principle had been adopted; for, by the bill of the noble Lord, an appeal would lie to the appellate tribunal against the admission as well as against the rejection of a voter. The appellate tribunal suggested by the noble Lord, differed from that which he had proposed, which confided the appellate power to the judges of the land. The noble Lord thought it expedient to take away the power from

the judges, and to confide it to a tribunal to consist of three barristers selected from the bar of Ireland, without check or control, by the individual who happened at the time to fill the chair of the Speaker of the House of Commons. Now, on this point, he felt fully the force of the objections urged by the hon. Member for Ripon the other night, and the greater his respect for the personal character of the hon. individual who now filled that chair, the more he felt thankful to him for the manner in which he had invariably performed the duties of that situation to which he had been elected by one side of the House, but in which, by the dignified and impartial conduct he had pursued, he had succeeded in earning the esteem of both sides—the more unfeigned his sentiments were, and he was sure they were also the sentiments of the House in this respect, the more strong, and powerful, and irresistible were his objections to conferring on the Speaker a duty which, however impartially performed, would always subject him to misconception, misrepresentation, and suspicion, in which his motives would certainly be misconstrued by the disappointment arising from the feelings of party: for, however wisely and justly he might act, it was impossible that he could hold the dignified office which he now so worthily filled, without being subjected to a species of suspicion, which he for one would not consent to cast upon the Gentleman who happened to fill that chair. The noble Lord said, that he had great objections to the provisions which had been introduced in his (Lord Stanley's) bill, in regard to the costs to be awarded by the appellate tribunal, as well against the voter seeking to substantiate, as against the objector wishing to overthrow the franchise. There was nothing to which stronger objections were taken than to this provision; and he recollected well the right hon. and learned Gentleman the Vice-President of the Board of Trade, when he represented on one occasion that the appellate tribunal were bound to give costs against the party claiming the franchise, being corrected from that side of the House, and told such a point was left to their discretion, and that it was only in certain cases they were to do so—he recollected the hon. and learned Gentleman taking up the answer thus given, and saying, "Yes; you mean to confine it to the discretion—or rather let me say

the caprice—of the judges whether they will give costs or not." He did not see that right hon. and learned Gentleman in his place, but he hoped that he had turned his attention to the two clauses on this subject in the bill of the noble Lord the Secretary for Ireland, because he would find that by the bill which he (Lord Stanley) had introduced the costs of the appellate tribunal were restricted to 10*l.*, or to the amount of the costs which the party had actually incurred; and whereas he had imposed the obligation on the judges to give costs only in the case of frivolous claims, yet had the noble Lord the Secretary for Ireland, adopted in the present bill the very same principles which last year the right hon. Gentleman had so much repudiated. The noble Lord adopted the plan which he (Lord Stanley) had proposed of giving costs to the plaintiff, whether he were a successful claimant or a successful objector, but he had removed all the restrictions as to the amount which he had imposed on the appellate tribunal, and the noble Lord after specifying in the 60th clause that the barrister shall endorse the name of the party appealing, and the party against whom the appeal is entered, provides, by the 67th clause,

"That it shall be lawful for the said court of appeal to make such order respecting the payment of the costs of the respondent in any appeal, or of any part of such costs, as to the said court shall seem meet."

The principle of costs against the claimant, which was one of the great objections taken to his bill, was now affirmed in the present measure, but without any of those restrictions by which he had sought to protect the right from abuse. And besides that power which the noble Lord had refused to intrust to the judges appointed by the Crown, and holding their office for life, he did not hesitate to intrust even ampler powers, and without the restrictions which he had proposed, to three barristers, who were to be appointed under the authority of the Speaker of the House of Commons. He was not surprised, therefore, that the noble Lord had not noticed the question of costs in his opening speech. In dealing with the subject of registration, the noble Lord had never mentioned the question of costs at all, and on looking at the bill, he thought the clause itself would explain the omission. On looking at the marginal abstracts which had so much disturbed the noble Lord the

Secretary for the Colonies, the other night, he found that the marginal note of the 42nd clause provided that double costs should be given in cases of unfounded charges of fraud, but the clause has been altered, and no double costs are now proposed to be given. He had contented himself with enumerating the points of difference between the two bills; he would call the attention of the House, next to a point on which he hoped to receive some explanation, for it was one which he confessed he did not understand, although he had given the bill his careful consideration. He had hoped that the abolition of granting certificates would have been absolute, as there was not a Member on either side of the House, who wished to retain a system which all confessed to be the fruitful parent of fraud. The noble Lord said, that he had abolished the certificates as tests of qualification before the returning officer; but, by the 47th clause of the bill, the clerk of the peace was bound to furnish the voter with a certified copy of his entry; and it also provided, that.

"Such a certified copy shall be conclusive evidence of the voter's right to be registered in any proceedings by the clerk of the peace."

He did not understand this, such certificates might be conclusive evidence of the registry as against the clerk of the peace—for he was not authorised to alter it—but it would be no conclusive proof that the party named in the certificate so given had a right to be there, or that he had not lost his right to be on the registry. He had gone shortly through the points without any argument, but merely noticing the difference between the bill of the noble Lord opposite and his own. He had not argued them, because, as he had already stated, if the objections which he felt had rested against the system of registration only, he would not have offered any opposition to the bill; but he would now proceed to consider another and more important branch of the measure—that tack which had been affixed to a bill for the better registration of voters—affixed with what intention he did not presume to say, but which so affixed would have the effect, if he was not very much mistaken, of postponing, perhaps defeating the attempt of both sides of the House, in their desire to remedy the evils of the existing registry. Without meaning any disrespect to the noble Lord who had brought forward the measure, he

must say, that his first and not his smallest objection to it was, that it had been introduced under false colours and under false pretences. He saw in the bill another step of that line of policy which had been so peculiar to the present administration—a policy which had never been adopted, and he trusted would never be adopted, by any other government—but which the present Government had steadily pursued from the first moment down to the latest period, at whatever time that period might be, of their political existence. In the year 1835 the right hon. baronet the Member for Tainworth had been thrown out of office, not because there was any difference as to the measure which he had introduced for the purpose of settling the tithe question in Ireland, for on that subject both sides of the House were agreed even to the minutest details of the bill; but he was thrown out because he refused to affix a tack to that measure, to which as an honest man, he declared he could not accede. That tack was declared a *sine qua non* by the Government, without carrying out which they stated that they could not as honest men retain their situations. Then commenced that system which he traced to the present bill, brought in for the purpose of bolstering up their credit, and not for the purpose of achieving any practical good, but merely that they might be enabled to prolong a struggling existence for a certain number of years. If the same results which followed in their endeavours to remedy the abuses and grievances of the tithe question should also follow on the present question of registration—if the practices were as successful in the one case as they had been in the other, and the remedy delayed from year to year, what plausible language would such a course enable the Government to hold towards their more ardent supporters. "See how anxious we are to yield you the measure you desire;" while, to another part of the community, they might excuse themselves for not following out their measures by saying "We were compelled to abandon them by the factious spirit of the opposition." These were the pretexts held out. What was the result on the tithe question? What happened then, he trusted, would happen in regard to the present bill. The Government at last found themselves compelled to abandon their *sine qua non* in the tithe question,

and adopt the very measure which, but for the difficulties and obstacles thrown in the way of it by Government themselves, would have been carried years previously. He asked, then, what was the history of the registry business? How far had it differed from the policy pursued by Government on the tithe and appropriation question? For four-years had the evils of the present system been so apparent, that from Session to Session the Government had introduced bills for the avowed purpose of remedying them, but which have had no other effect than to prevent the efforts of other Members attempting to remove what all felt to be an intolerable grievance. Not one of the bills so brought forward had met with the opposition of even a single Member. One of them had passed that House, and been sent up to the House of Lords, but at what period of the Session did that take place? On the 29th of August, it having been introduced on the 11th of August for the first time. That was the mode in which Government had proceeded in regard to the Registration Bills—they were kept hanging on from the commencement to the end of the Session, without a symptom of opposition from either side of the House, until the Government finally abandoned them. In so far as he himself was concerned, he was determined that last Session should not pass without an effort to remedy those great grievances; and, accordingly, at an early period he had asked the noble Lord the Secretary for Ireland a question relating to the subject. He was then told in answer by the noble Lord, that Government had no intention of bringing forward any measure for improving the system of registration. He had introduced a bill which appeared to him, and which had also appeared to several majorities of that House, calculated to remedy the grievances of the existing system. How was it met by the noble Lord? The noble Lord objected to nothing included in that measure, and it was not until the House had affirmed the principle of the bill, that a determined opposition was taken to it, on the ground that it contained no definition of the franchise. In regard to that objection, he recollected the right hon. Member, then the Solicitor-general for Ireland, on the second reading of the bill, objected to an insertion of the word *acts*, instead of *act*, which he said was not defining the franchise, but introducing an expression

which tended to influence the judgment of other parties as to what ought to be the definition of the franchise as it stood at the present moment; but when the second reading was carried, he then, for the first time heard of the necessity of defining the franchise in the bill which he had introduced for the purpose of amending a defective system of registration. In the bill introduced last year by the right hon. Gentleman the Solicitor-general for Ireland, there was a clause for the purpose of removing the obscurities which hung around the definition of the franchise in Ireland. It was entitled:—

“A bill to remove doubts with respect to the qualification of voters, and to create a tribunal of appeal on matters of law relating to the registration of voters in Ireland.”

And this was the definition suggested for the purpose of removing the possibility of a doubt as to the actual franchise:—

“Be it enacted, &c., that in determining whether any person who shall claim to be allowed to register as a voter has a beneficial interest to the amount in value required by law to entitle such person to register as a voter in respect of any freehold or leasehold premises, the tribunal determining upon such a claim shall estimate such value according to the beneficial interest which such premises actually yield, or are capable of yielding, to the person so claiming to register, calculating such interest to be the profit or advantage derived or derivable by such claimant out of such premises, after deducting the rent, tithes, rent-charge (if payable by such claimant), and expenses, if any, of cultivating the same, and not according to the rent which a solvent tenant could afford to pay for the same, over and above the rent which the person so claiming to register is liable to pay.”

This was the very lucid definition of the franchise introduced by the right hon. Gentleman, the Solicitor-general for Ireland. The real object of the enactments of the bill was not to define the franchise. The noble Lord abandoned that definition altogether, and on the most meagre statement he had ever heard from a Cabinet Minister, had proposed in the present bill not a definition, but a total alteration of the franchise in Ireland. He knew not how long the noble Viscount had entertained the opinions he now professed; but this he knew, that in 1838, the noble Viscount professed to entertain very different views on the subject, and upon the policy of making so great an inroad upon the existing system. In 1839 the hon. and learned Member for Dublin intro-

duced a motion for leave to bring in a bill to assimilate the franchise in Great Britain and Ireland. By whom was that motion resisted? By the noble Lord, the Secretary for Ireland. He resisted it, indeed,

— With hesitating voice,

With faltering tone, and visage uncomposed ;

And after listening to the grateful cheers on the benches opposite to him, indicative of the cordial spirit by which resistance would be received by his political adversaries, the noble Lord did screw up his courage to meet the proposition by a decided negative, and at last wound up and closed his speech with the following expressions :—

“ Thinking that the Legislature ought not thus lightly to disturb the arrangements which had accompanied statutes of such vast importance and of so recent a date ; and believing that encouraging any endeavour to do so would only lead to protracted and resultless debates, he must give his decided, though reluctant, negative to the motion.”

This was a declaration to resist not only the assimilation of the franchise in England and Ireland, but any material or wide departure from the principles of the Reform Act. It was made in 1839, repeated in 1840, and repudiated in 1841. It was a favourite expression of the noble Lord, that since that time he had received some new impressions. He (Lord Stanley) knew not from what source these new impressions were derived ; they might arise out of the independent exercise of the reflective powers of the mind of the noble Lord ; but it was a singular coincidence, that in 1839 the following was the view of the subject taken by the hon. and learned Member for Dublin :—

“ He might be told (he said) that the English franchise was unjust as well as that of Ireland, and should be extended. Be it so : give the people of Ireland an extended franchise, and he would join them in regulating the English franchise. He had once thought of altering the present form of his motion, which included both the assimilation and extension of the franchise in the two countries, but he considered it better to take the sense of the House on it in the terms in which it now stood on the paper, as he should most assuredly once every fortnight or three weeks while the Session lasted take the sense of the House on a motion somewhat similar. He might be called on to declare what extension of the franchise he proposed. The 10*l*. franchise now existing in Ireland was equivalent

to a 20*l*. franchise in this country, and he would be glad if the House would lower it to the level of the English ; but he proposed, further, to diminish the qualification in both countries to 5*l*. He now called on the House to decide this question.”

Such were the words of the hon. and learned Member for Dublin, and as he (Lord Stanley) had before said, although the coincidence was striking he did not suppose that the noble Lord had been influenced by the suggestions of the hon. and learned Member on bringing forward a proposition which the noble Lord resisted in 1839. He was bound, however, to say, that the change was not the less alarming, when he saw, on independent grounds, so close an approximation between the views of the hon. and learned Member for Dublin, in 1839, and the opinions of the noble Lord, the representative of the Irish Government in this House, in 1841. He would ask the noble Lord plainly, whether he really had abandoned the views he stated in 1839? Had he determined to relinquish the ground he persevered in holding even in 1840? If he had, why did not the noble Lord and the Government to which he belonged come boldly and broadly forward and state at once the nature and extent of their present views, and the facts and arguments upon which they vindicated the change? Why did not the noble Lord, if such were his opinions, avow in the face of the House that it had been unjust, inexpedient, and impolitic, to deprive the forty-shilling freeholders of Ireland of their franchise? Why did he not declare that he was ready to restore to that ill-used and independent class of voters the rights of which they had been so unfairly and improperly deprived in 1829? By the bill before the House, the noble Lord was going (and before he sat down he, Lord Stanley, would prove it, or at all events go far to prove it) to introduce a class of voters who had less interest, were more dependent, more subject to influence, more numerous, and in every respect inferior to the forty shilling freeholders who were deprived of their rights in 1829. Did the noble Lord propose to extend the franchise in Ireland? If he did, on what grounds did he propose it? He was well aware that the leasehold franchise was granted on a lower amount of profit, and on a shorter term of years, than the corresponding franchise was granted to the

people of England and Scotland, and he trusted that the noble Lord would be compelled, in the course of the night, to state frankly the course he meant to pursue, and his reasons for pursuing it. Did he mean to make the franchise the same in England, Scotland, and Ireland, or to grant a more extended franchise to Ireland than to any other portion of the empire? If the noble Lord were prepared to extend the franchise, he ought also to be prepared to state the grounds on which he vindicated his intention to give to Ireland that which he withheld from England and Scotland. The noble Lord's reasons ought to have appeared on the face of the bill; but what was there said? The preamble ran thus:—

“Whereas doubts and difficulties have prevailed with respect to the mode of ascertaining the qualification of persons in actual occupation, claiming to be entitled to be registered and to vote as Parliamentary electors in Ireland, in respect of freehold and leasehold property.”

That was the averment on the face of the preamble. What was to be expected from the preamble? that the contents and purport of the bill would remove those doubts and difficulties; but instead of this, a franchise was introduced to which no profit at all was necessary; and because doubts and difficulties had arisen as to the freehold and leasehold franchise of Ireland, “be it enacted (said the bill in effect) that the amount of household franchise, respecting which there is neither doubt nor difficulty, shall be reduced in Ireland.” He asked, whether the enactments of the bill were or were not at variance with the averments of the preamble? He had said, that for a measure of this kind, effecting an important change in and involving the character of the constituency of Ireland, never was evidence so unsatisfactory or arguments so meagre—so utterly inconclusive, and so totally and decidedly in opposition to the proposal, as those which the noble Lord had advanced. The other night he had told the House, that shortly after the close of the law session the now Attorney and Solicitor-general for Ireland had put himself in communication with two learned friends of his, members of the Irish bar, Messrs. Haig and Deasy. He (Lord Stanley) had nothing to say against those learned Gentlemen, inasmuch as he knew nothing of them:

he had not happened to have heard their names before; but with these two learned friends of his the Attorney-general for Ireland had put himself in communication, and had desired them to make certain inquiries in reference to the franchise, and to ascertain the valuation under the Poor-law. Such were said to have been the instructions, but he (Lord Stanley) would much like to have known what the instructions really were—the points Messrs. Haig and Deasy were directed to investigate and elucidate, and the other matters submitted to them by the noble Lord and the Attorney-general for Ireland. It was too offensive to the House of Commons to suppose, that the instructions were merely verbal; the thing seemed impossible; it would not have been left to a personal communication between the Attorney-general and his two learned friends. The Attorney-general could not have said to them, “Go both of you into the country, —visit what unions you like,—report to me what you think proper: you know our views on the subject, and that may be your guide in the information you transmit. Whatever you obtain that you think will answer our purpose, that send to me, and afterwards I myself can make such a selection from your reports as I think ought to be submitted to Parliament.” Such could not have been the instructions given to Messrs. Haig and Deasy; but it was known, that they had been told to be careful to conceal their arrival and objects, especially from guardians of Poor-law unions, and in fact from every human being but the assistant Poor-law commissioners. The noble Lord said, that these two Gentlemen visited ten unions; but how were the unions selected, and why were they selected, the noble Lord had not condescended to inform the House. He turned to the report of the Poor-law commissioners for 1840, and he found, that a rate had actually been levied, and a valuation had been made in two important towns, which certainly ought not to be altogether omitted in a consideration of the question of franchise—Dublin and Cork. In those towns, and in those only, the Poor-law could be said to be in progress; and the Poor-law commissioners, in their report of 1840, stated, that they were waiting with the greatest anxiety to see the effect of the rate and of the valuation. It was remarkable, however, that neither Dublin nor Cork were included in

the visitation of the two learned friends of the Irish Attorney-general; and where they did go the House might see, upon their own evidence, that their examination was performed in a most hasty and cursory manner. By the papers, delivered only this day, it appeared, that Mr. Deasy when he visited the union of Carrick-on-Suir, was in such haste that he had been unable to make a few extracts from the minutes of the board of guardians. True it was, as the noble Lord said, that these Gentlemen visited ten unions, and on Wednesday the House had been furnished (on what authority did not at all appear) with five out of ten of the reports they were said to have made. This very morning also another document of a similar kind had been put into the hands of Members, and upon such evidence, so obtained and so delivered, the House was now called upon to adopt such a sweeping and startling proposition as that contained in the bill upon the table. Where the five reports came from nobody could tell; they had not been sent down by command of her Majesty; they had not been moved for in the House; they were not ordered to be printed by the House; they had no official stamp, and all that was known was, that they were printed by William Clowes and Son, Stamford-street, for her Majesty's stationery-office. This was all that the noble Lord could offer on moving for leave to bring in the bill. He (Lord Stanley) was, however, quite satisfied to take the evidence as he found it—he was willing to believe that the reports contained a fair representation of the facts, as connected with the five unions which had been selected (how and why nobody could tell) out of the 140 unions into which Ireland had been divided. He was contented to take the cursory and hasty report of these two unauthorised commissioners, and the House from that alone would see how weak and inconclusive was all that supported the views of the noble Lord, and how strong and incontrovertible was the evidence against the present proposal of Government. To base the elective franchise on the principle proposed by the noble Lord, was to base it on that which could by possibility afford no fair criterion. He was not prepared to deny, that a just and impartial valuation, for the purposes of taxation, might be of great importance in removing doubts as to qualification, and

in affording a test for the possession of the elective right. He admitted that, frankly and at once; but, then, the examination and valuation must have been impartial, it must have been free from the suspicion of political motives, it must have been carefully framed; it must have been founded upon a precise accordance in the principles laid down in the law; it must have been in uniformity with the various unions in different parts of the country; and, above all, it must contain an accurate and *bond fide* description of the amount of property of the person claiming to be admitted to the register. In every one of these particulars, impartiality, absence of political motives, accordance with the law, and uniformity of proceeding, the valuation now taking place under the Poor-law was singularly, lamentably, and avowedly deficient. The very fact that it was now going on was conclusive against it, on the grounds of partiality and political bias. The valuation was actually in progress, and the bill of the noble Lord had told every valuer in Ireland, in language that could not be misunderstood, that he was, according to his choice, to screw up or down the measure of qualification, so as to give to or withhold the elective franchise from whole classes of her Majesty's subjects. How, then, could he suppose it impartial or free from the suspicion of political influence? He entreated the House to consider, that even apart from the false basis upon which it was proposed to put the franchise, there was an evil of no common magnitude to be avoided in the valuation. If there were one course more desirable than another for every well-wisher to Ireland to pursue, it was to withdraw from the valuation under the Poor-law, the possibility of political suspicion and party motives. The bill had to encounter enormous difficulties, from the novelty of the process, from the poverty of the parties, and from other causes; and if to these was added the curse of political bias and partisanship, the difficulties and hazards would be so enormously multiplied, that all hopes of its working well must be at an end. He would not press the point whether there was or was not, at present, mixed up with the election of guardians, any political feeling. Allegations to that effect had been made; but this he would say, that the course Government was now pursuing, must inevitably give to those proceedings a character of partisanship

which it was most desirable to avoid. He was aware that he had already asked much from the forbearance of the House, but he could not promise that it would not be necessary for him still to tax its patience to a considerable extent. In the course of the arguments he was about to address to hon. Members, he must necessarily read documents which, to some, might appear troublesome; but he hoped it would be borne in mind that he was arguing a question of vital and fundamental importance, and while he argued it fairly and candidly, he did not doubt that he should be allowed a due share of indulgence. After freedom from political motives, the second qualification he should require in a valuation was, that it should be in strict accordance with the principles laid down in the law under which it was made. Nothing could be more conclusive and clear than the injunctions of the law upon parties who were to enter upon the task of valuation; and the following were the instructions of the commissioners to the valuers in Ireland:—

“It is declared by the 64th section of the act, that the rate ‘shall be a poundage rate, made upon an estimate of the net annual value of the several hereditaments;’ and the estimate of value is required to be, ‘the rent at which, one year with another, the hereditaments might, in their actual state, be reasonably expected to let from year to year—the probable annual average cost of the repairs, insurance, and other expenses, if any, necessary to maintain the hereditaments in their actual state—and all rates, taxes, and public charges, if any, except tithes, being paid by the tenant.’ A valuator must therefore estimate the rent at which each tenement or holding would be likely to let, at the time when viewed by him, and in the state in which he shall then find it—the tenant undertaking repairs, with all expenses of maintaining the premises, and all public charges, except tithes and ministers’ money.”

The commissioners then go on to argue against the rent actually paid being taken as a criterion of value; they say,

‘It has been recommended by some persons, that the rent paid by the occupier to his immediate landlord, should be assumed in all cases to be the real annual value of the property; but the rent payable to a landlord is never conclusive as to the rateable value of the property. The net rent received by the landlord may, from various causes, exceed ‘the annual value,’ and it is frequently brought much below it, by the payment of a fine, or by an improvement in the value of the pro-

perty, subsequent to the lease under which it is held, or to the last adjustment of the rent. There is, therefore, no sure criterion for valuers, except that which a careful adherence to the principle set forth in the act affords, Rating according to the actual rent would throw upon the occupiers of highly-rented properties an undue share of the burden; for an occupier liable to pay a rent beyond the fair letting value, would only be entitled to deduct one-half of the amount levied on him, while the law provides that, under such circumstances, he shall bear less than one-half, by enabling him to deduct half the rate from every pound of his rent. The intention of the law can only be attained by estimating all property at its fair average annual letting value and this the act requires strictly to be done in every case.”

In the report furnished this morning from the unauthorized commissioners, Messrs. Haig and Deasy, they told the noble Lord opposite (for to him it was addressed) that they had inspected the rate-books of five unions, and they found, that the proceedings bore some traces of uniformity in all the unions; but where was that uniformity to be found? In strict adherence to the provisions of the act? Certainly not; but in utterly disregarding and setting at nought the directions of the act by the valuers,

“In general (said Messrs. Haig and Deasy) the persons appointed were not surveyors by profession, but respectable farmers of the district, who in some instances had been employed as rural surveyors. In many cases, they had never before attempted a survey or valuation. The guardians do not appear to have generally insisted on professional knowledge, nor do the valuers in general lay claim to any; in some unions, however, professional persons have been employed.”

What, he would ask, were the tests to which the valuers resorted, in forming a valuation? Mr. Morris, in the union of Balrothery, said:—

“We did not take the price at which the tenement would let in the market, because that is raised by competition for land, but took what a solvent, steady man would be reasonably able to pay for it. We did not take the rackrent as a criterion, although a man might continue to pay it; we assumed the value to be rent which a person might pay for it, supposing him to have a reasonable remuneration for his labour, time, and capital.”

But what said Mr. Hugh Moran, for the same union? He

“Thinks the valuation for the division of swords is higher than the rent received by the landlord, and he estimates the value at what

a solvent tenant could afford to pay for it, and live like a Christian, eating animal food sometimes."

Mr. Corbally, his colleague in the same union, made this pithy report. "I think Mr. Moran is mistaken." He would next advert to the union of Longford, and to the evidence of Mr. Wallace, who said:—

"He did not make any valuation of what a farm would be likely to produce: his only rule was, what a solvent tenant could pay with ease, applying himself industriously to the cultivation of the soil. He supposed him to be able to meet all his demands, to be able to give himself and his family milk, butter, and potatoes, and meat occasionally (say twice a week), and keep himself and family decently clad, and keep a comfortable house."

What said the gentlemen who formed the estimate in the union of Parsonstown? They judged of the quality of the soil only from inspection, and they made very easy work of it; for they stated, that the fences were composed of the soil, and walking along by the side of the fences, they were able thence to form an opinion of the soil. They formed their valuation from certain model farms, with which they compared the others:—

"There is very good competition (they said) for land in this country, and you cannot get it for the value. They mean by value what a tenant could afford to pay living decently—living decently, they consider having potatoes and milk, and butter, and bacon occasionally for self and family, and warm, comfortable, clothing, and a comfortable house."

Having made these extracts regarding other districts, he hoped the House would excuse him for reading a passage relative to the union of Lurgan. Land there, said the valuator, would let for 2*l.* or 2*l.* 2*s.* per acre, and plenty of people would be willing to take it at that rent. He thought, that a tenant ought to be able to lay by 10*s.* per acre, beyond the maintenance of his family; but many pieces of land in the neighbourhood of towns would bear a fine of 10*l.* per acre. At what, then, did he value such land? At 2*l.* 12*s.* or 2*l.* 14*s.* per acre? No such thing; but at only 1*l.* 7*s.* 6*d.* per acre. Being asked, why he so estimated its value, he answered:

"That he valued the land at from 8*s.* to 12*s.* under 2*l.* (the rent paid), because he considered, that the landlord would derive that sum too much, and beyond what he ought to receive between landlord and tenant."

Such were the the criteria on which the

House was called upon to base the legislative franchise of Ireland, as tested by the amount of valuation. He had forgotten to mention, that in every single instance, after the valuator had taken upon himself to value the union according to his own notions, the board of guardians refused his estimate and raised or lowered it according to their will and pleasure. How, then, (he would ask) could such modes of taking a valuation be looked upon as a fair test for fixing the franchise, even without taking into account suspicion or political motives, or any other extraneous causes that might operate against its accuracy? What said Messrs. Haig and Deasy upon this subject?

"The test of value enjoined by the Poor-relief Act, is, 'the rent at which, one year with another, the tenement in its actual state might be reasonably expected to let for from year to year; the probable annual average cost of the repairs, insurance, and other expences, if any, necessary to maintain it in its actual state; and all rates, taxes, and public charges, except tithe, being paid by the tenant.' The construction put upon this clause by valuers, the mode in which they have applied it, in setting a value on the tenements of each union, and the result of a comparison of their valuation, with the rents actually paid, and with the lists of registered electors have been the chief objects of our inquiries. The evidence of the valuers, and the results of these comparisons in the unions which we visited, will be found in detail in our separate reports. In all the unions, however various the forms of language adopted by the valuers in their evidence, we found, that the test of value which had been in fact adopted in valuing a tenement, was the rent at which a good landlord ought, in their opinion, to let it. And in applying this test, the valuers have almost universally reduced their valuations below the rents even of the most indulgent landlords in Ireland."

They, then, gave it as their decided opinion, that a valuation so prepared, could not be the test of the net annual value of any farm in the union. This was what the noble Lord proposed to take as the basis and criterion of the Parliamentary franchise in Ireland. In the face of his own report—of the report made by the two learned friends of the Attorney-general for Ireland, the noble Lord proposed in his bill to enact, that the amount in the rate-book should be deemed and taken as conclusive evidence of net annual value. He appealed to the House of Commons of the British empire, whether it were even safe to

proceed upon such evidence as the report this day produced, showed to be utterly worthless. But the noble Lord had said, that the valuation was in all cases lower than the real amount of value. He would take it so for argument's sake, and certain it was, that there were many motives for making the valuation lower than the value. To learn what they were, the House had only to turn to the union of Scariff, he believed in the county of Clare. The valuator was a respectable farmer, who knew the worth of land, and when he had done his work, he went home, and at one stroke of his pen, he blotted out 2s. per acre, over the whole union, and this without any reason assigned. It was brought before the board of guardians for revision, and they said, that even thus reduced, it was too high, and must be further lowered to the extent of 1s. 6d. per acre. In consistency with this decision, they subsequently passed a resolution, that no land throughout the union should be valued at more than 25s. per Irish acre. That, they said, was the value, and that the noble Lord would adopt as a basis for his bill. The valuer was perplexed. He applied to the Poor-law commissioners for instructions; they gave instructions; they said, that it was contrary to the Act of Parliament to assume any fixed value; they said, that the value taken must be what the property would reasonably let for from year to year, and that if any other course were adopted, it would lead to increased litigation and expense. On receiving that letter, did the House suppose, that the board of guardians rescinded their resolution, and acted upon the law as it was laid down by the Poor-law commissioners, the authorized interpreters of the law? Not a bit of it. The commissioners wrote to the board, the board also received a communication from Mr. Hawley, the assistant-commissioner. He attended to explain the act, but he did not convince the majority. No resolution upon the point was then come to, but they afterwards made a reduction of one-sixth from the whole valuation. And here he must explain the mode in which the poor-rate was assessed in Ireland, in order that the reasons which operated upon the boards of guardians, and induced them to make the valuation for the poor-rates as low as possible, might be distinguished. As between one farmer and another, it

was a matter of perfect indifference, whether the valuation were high or low; so that the valuation *inter se* were taken uniformly, it mattered not whether the property were rated at 10l. or at 5l.; a 6d. rate in the one case, or a 1s. in the other, would cause each farmer to pay precisely the same sum; but as between the landlord and the tenant a very material difference was established by the Poor-law Act; and the act differed in this respect from the English act. According to the Irish act, the occupier was made liable to the rate, but he was authorised to deduct from the landlord a poundage, not upon the rate for which he was liable, but upon the rent which he paid equivalent to one-half of the poundage of the rate with which he was charged. The consequence of this provision was, that if the occupier were rated at the rack-rent, the provision was equivalent to throwing one-half the burden of the rate upon the landlord; but if by rating the property nominally high or nominally low, they could alter the proportion between the rent demanded by the landlord and the rate paid by the tenant; the tenant might throw more of the burden on the landlord; thus if the rating were sunk to the lowest point, and the tenant had to pay 1s. on a 10l. rating, he might deduct 6d. in the pound on the 20l. rent demanded by the landlord; that is, he was authorised to deduct from the landlord's rent not one-half but the whole of the rate. Therefore, the tenants had a direct interest in fixing the rating so much below the real rent of the land as would throw the burden of the rates as largely as possible upon the landlords. He found that principle distinctly avowed in the union of Scariff. He there found, that Maurice O'Connell, Esq., an *ex officio* guardian, he presumed not the hon. Gentleman, a Member of that House. [Mr. O'Connell: (No; a relative)] That gentleman, as *ex officio* guardian, when asked why he consented to a lower rating than the actual value, avowed, that he—

“Considered the valuation a fair one, because it put about two-thirds of the rate upon the landlord which he thought fair. The reduction of one-sixth was merely arbitrary—it was solely to throw the burthen of the rate on the landlord. He approved, however, of the present valuation, because upon reflection, he thought that the valuation ought to be considerably under the rent; and the people were not able to bear any additional taxation.”

When, therefore, they found the boards of guardians proceeding upon these principles, and instead of establishing the value at what land would let for by the year, and at which value it ought to be rated, but placing it considerably below the rent that was actually paid, it did not become very extraordinary that they should find what the noble Lord had stated the other night to be true, that the adoption of the solvent tenant's test, and the value upon amount of the tenant's interest, over and above the rent that he paid, would extinguish the constituencies of Ireland; not because the solvent tenant's test was wrong, but because the valuation under the law, taken upon a construction that was contrary to the law, rendered it impossible that the rate should not be below the rent, and that consequently the amount of a 10*l.* rent, taken from this valuation, would exclude from the franchise many persons who possessed property, in which they had the required beneficial interest. He had stated the grounds on which this rate would be made low. He knew that the noble Lord would turn round upon him and say, "Observe, here are many rated at 5*l.*, who ought to be rated at 10*l.* and consequently here is a perfect vindication for our taking a 5*l.* rate as a measure that the franchise will be to some extent, we do not know how much above the value of 5*l.*" He (Lord Stanley) admitted the fact, and he gave the noble Lord all the benefit of the admission; but should the real value of the property rated at 5*l.* be 10*l.*, or even 15*l.*, still it did not remove his objection to the principle of the bill. Although he was satisfied that a 5*l.* rating would be below the value, yet he was not furnished with the slightest means of conjecturing how much it would be below the value; it might be 5 per cent. in one place, 20 per cent. in another, 100 per cent. in a third, or 200 per cent. in a fourth; in short, it wanted the principle of uniformity and of accuracy so completely, that he for one could not consent to take it as the basis of the franchise. But he objected to the principle of the bill, even supposing the valuation to be accurate, to be uniform and to be true; still he objected to the principle which was sought to be applied in this bill, because they were called upon to adopt a principle that had not been introduced into any other bill for any other part of the country—to adopt a principle

that was wholly repugnant to that which had hitherto been adopted in this country, to adopt a principle never yet applied, that the franchise was to be given according to the rent that was charged, and not according to the amount or value of property possessed by the voter. The only point on which there had been a difference of opinion as to the construction of the Reform Act was, not whether the voter was to or was not to have a profit out of the land, but as to the mode in which this profit was to be ascertained. How this question could have led to any difference of opinion among the judges in Ireland he confessed he was at a loss to understand. He thought it inexplicable that any party, or at least that any legal authority should raise a doubt as to the franchise in Ireland, which had never been the cause of any doubt, although the same words had been used, with respect to the franchise of England and the franchise of Scotland. What were the words on which the doubt had arisen? First, with respect to the franchise in fee, the words "of the clear yearly value of 10*l.*" The right hon. Gentleman opposite (Mr. Pigot) would not, he thought, contend that any mention was made in the Irish Reform Bill of the freehold franchise in fee, or that from one end of the Irish Reform Bill to the other there was anything about it. The franchise was not granted by that bill, it was not altered by that bill, and there was not one clause about it. The franchise in fee depended upon the act 10 George 4th, and the qualification was, that the voter should be in possession of a freehold of the clear yearly value of 10*l.* The oath which the voter took at the poll was, "I swear that I am a freeholder, and that I possess a freehold of the clear yearly value of 10*l.*" That was the oath and the only oath; that was the qualification, and the only qualification; and the Irish Reform Act made no mention whatever of it, except in one clause, where it stated that, in addition to the persons then entitled to vote, others should have the right. The words of the English Reform Act were borrowed precisely from the words of the Irish franchise. The enacting clause of the English Reform Act was precisely in the same words as the definition of the Irish right; the enacting clause of the Scotch Reform Act was precisely the same as the words conferring the franchise in England and in Ireland, and yet neither

in Scotland nor in England had he ever heard that any lawyer had got up and said that he ever entertained in his own mind any doubt, or that he had ever heard any doubt raised as to the legal construction of a term which was precisely identical with the term used in the Irish act. The term "beneficial interest" applied not to the freehold itself, but to the derivative—the term for years. Now let them see where the doubt hung upon this point. He was not going into the history of the introduction of these words, it had been already often referred to. These were the three qualifications in England, in Ireland, and in Scotland. The leaseholders in England where such lessees as were possessed of any term originally granted for such a period of "the clear yearly value" of such an amount. In Ireland the words were "having a beneficial interest therein of the clear yearly value of" so much; and in Scotland the right was in every tenant "where the clear yearly value of such tenant's interest, after the payment of the rent, should be 10%." Such was the franchise in England, in Ireland, and in Scotland; and he thought that it would require something more than legal arguments to find the difference. But from whatever cause, a difference of opinion had arisen, it was not upon the point of a profit accruing to the tenant, but whether that profit was to be calculated by the solvent tenant test, or by what a person employing his own capital and using his own labour could probably make of the land he cultivated. In Ireland, the Reform Bill, the first time it was brought forward, proposed to confer the franchise upon all parties having a lease for twenty-one years, and paying a yearly rent of 10%. These were the objections which were taken to this proposal, and in deference to which objections the Reform Bill was subsequently altered. The objection to this franchise for counties was, that it was based on the rent that was paid rather than on the profits derived.

"Now with respect to counties, I cannot but think, that in giving the franchise to the amount of rent paid, rather than profits made, you act on a wrong principle; you give it to the burden which makes the man poor, and not to the profit which makes him rich. A man might on a lease have to pay 50% a year for what was not worth 40%. That man has a vote without profit, while the man with a large

profit out of a smaller rent gets no vote. This principle is, I think, wrong."

That was the argument made use of in 1831 against the proposed test, and that argument fell from the lips of the hon. and learned Gentleman the Member for Dublin. In the second session of the same Parliament an argument was raised as to the propriety of requiring a larger amount of property from leaseholders than from freeholders, and then the hon. and learned Gentleman the Member for the county of Tipperary (Mr. Sheil) complained that the constituencies would be of the smallest kind, and said, that surely their object ought to be to let in a large and valuable constituency, which derived a profit of 10% rather than confine it to those who held 20% leaseholds.

"The constituency of the Irish counties," said the hon. and learned Gentleman, "consisting already of freeholders of 10% profit (profit, observe) above their rent, is, of necessity, small, far smaller than in England, where the forty-shilling freeholder is to be preserved. The Government then rate the leaseholder's qualification so high as 20% profit above his rent. Surely the object ought to be to let in as large a constituency as possible. It was anomalous to make the 10% profit the qualification of the freeholders, and 20% that of the leaseholders."

He (Lord Stanley) cited these to show that in the course of the discussions on the Reform Bill the amount of profit accruing to the occupier over and above the rent, and not the amount of the rent, was made the criterion of the franchise. The noble Lord's bill departed from that principle; it required no amount of profit on the part of the voter, it required of the voter no individual interest, it required no stake in the country, he might be burdened with an exorbitant rent, he might be borne down by loads of debt, which would place him more directly under the power of his landlord; yet the noble Lord gave to the voter the franchise in proportion to the rent, and not according to the amount of the income or the profit. What was the argument made use of by hon. Gentlemen opposite in support of this bill?

"Can it be fairly argued that those who are subject to the burdens should not have the right of the franchise? Do you intend to throw upon them the burden of taxation, and will you do them the injustice of withholding from them the franchise?"

Now, they did not throw upon these

parties the burdens of taxation. The act did not require the party to pay the rate; because, if the rating were only put at one half of the real rent, the occupier would not pay one shilling of the rate. They would give the franchise, but they did not impose the liability to the tax. But did they stop here? No. They proposed, in addition, that if at any time the property should be rated at 5*l.*, yet that if it afterwards fell out of the rate-book for deficiency in value or for any other cause, the voter should remain on the register so long as he or any one else on his behalf should say that they were willing to pay the rate. In fact, the noble Lord put up the franchise to auction at 6*l.* a year. If property which had been liable to a rate of 5*l.* fell to 4*l.*, the landlord had only to send word to the voter to say he would be responsible for half the rate—that was sixpence, for the other half would fall on the landlord as a matter of course, and thus for sixpence a year the landlord might instruct his agent to buy up as many votes as he could. Was that all? It was not. He was aware that he was trespassing for a long time upon the patience of the House, but he had still his duty to discharge. The act did not require that the voter should be rated—it did not require that he should pay the rate—it did not require that he should be liable to the payment—it did not even require that the land which he occupied should be valuable land at all. He was sure that this provision had escaped the observation of the right hon. and learned Gentleman the Attorney-general, who rested his case upon the fact that the rateability of the property and the franchise would go together, that there would be thus a self-acting check, because the occupier would desire his property to be rated as low as possible, to escape the payment of the tax, and that this would operate as a check upon the desire to obtain the franchise, whilst the wish to have the franchise would cause the property to be rated at what was considered a fair sum. What if the party was not required to be rated at all? There was a proviso in the bill that when a certain description of property should be exempt from the rates, the boards of guardians should make a supplementary valuation of the property not rateable. Those boards of guardians would have no motive to fix the value at one shilling, or at 100*l.*, except the motive which the noble Lord gave by this

bill, the motive of extending to them, or of withholding from them, the franchise. He had thought, upon a general perusal of the bill, that the right hon. Gentleman had not given any effect to his proviso. The supplemental valuation was mentioned in the 7th section of the bill; it was there put forth.

“Whereas it is expedient that for the purposes of this act all such property, although not rateable, should be valued in like manner, and upon the same scale, as that which is rateable or rated.”

And the act then required that at the registry sessions the rate-books and the supplementary valuation should be produced. The right hon. Gentleman had said himself that this was for the purpose of conferring the franchise. Now he had looked at the franchise required by the rating of property, although throughout the bill he did not find it absolutely insisted on as an element of the franchise that the property should be absolutely rated to confer the qualification, yet he thought the right honourable Gentleman had failed to give any effect to this seventh clause, till his attention was drawn to a clause in which the House of Commons would least of all expect to find the grant of a franchise, in violation not only of every principle on which they had hitherto gone, but a franchise which not till now had ever been avowed. This franchise was conferred in the midst of a formal and technical interpretation clause. In that, almost the last, clause of the bill, amidst declarations that the masculine gender should be construed to include the feminine gender, and that the word Lord-lieutenant should be construed to mean lords justices, in the midst of terms explained only to avoid technical difficulties, he found it enacted that the “rate and rate-books shall be construed to include supplemental valuation and supplemental rate-books,” and by this mere interpretation in this formal clause, the noble Lord professed to give an entirely new definition of the franchise upon a new, and hitherto unexplained, principle. This proceeding was very like the bill which followed the preamble; and he must say, that both one and the other were alike unworthy the talents and the station of the noble Lord. He had now stated his objections to taking the valuation as any test or criterion of the value of the property; and even if it were certain, he

would object to take it as a groundwork for the franchise, because the act did not impose the burden, and did not afford any proof that the party was liable to the payment. He would ask, then, on what ground was to be based this great extension of the franchise in Ireland? The noble Lord did not deny, that it would lead to an extension. He said the other night,

"I do not conceal from myself that there will be some—although I do not think there will be a great—yet there will be some extension of the suffrage; whilst it will at the same time exclude a considerable number of persons who are actually now in possession of the franchise; but who, under a rating of five pounds, will not be qualified to vote."

Now among the papers with which hon. Members had been furnished that morning, he found one which related to the number of persons registered under the present elective franchise, and all the knowledge he could get from the commissioners with regard to the number of registered electors, and to the probable effect of the present bill was, that they could give little or no information. In Balrothery union, in consequence of the want of maps, and the inaccuracy of the lists as to the definition of the site of the qualifying property, the commissioners were unable to say, how many of the registered electors were resident in the union, and even then there had been no inquiry except in one barony forming about a tenth of the whole union. In Lurgan union they inquired into about one half; but with regard to the resident ten-pound electors already registered, or as to the number that a five-pound rating franchise would give, the commissioners were quite unable to afford any information. That was the satisfactory evidence on which they were called upon to proceed to make an alteration in the principle, and to change entirely the nature of the franchise in Ireland. There had been no statement with regard to the true state of the franchise—there was no statement of the diminution of the number of registered electors—there was no statement of the probable number of voters in future years; but the noble Lord, following the argument of the learned Gentleman the Member for the city of Dublin, told them that the proportion of the constituency of the county of Mayo, to the population of the county of Mayo, was smaller than the

proportion of the constituency of the county of Kent, to the population of Kent, and so forth with regard to the different counties in Ireland and in England. Now he (Lord Stanley) repudiated that argument altogether as the basis for an alteration of the franchise. They did not apply to the different parts of the same portion of the empire this principle, and he objected to the application to any distinct portion of the empire a principle that they did not adopt between the integral parts. In the municipal acts in England they had wards in which there was a large population and great wealth, and where, of course, a large proportion of the population was intrusted with the municipal franchise, and they had in another city, or perhaps in the same city, other wards where the population might be much larger, but where there was not so much wealth, and where they found a smaller number of persons entitled to vote in municipal matters; yet did any human being come forward and contend that there ought to be a difference in these different wards? Did any one say, that in the parish of St. George's there ought to be a 50*l.* franchise and that in St. Giles it should be reduced to 5*l.*, because a great part of the population of St. Giles was not of sufficient wealth, and were thereby excluded from the right to vote? Was there ever such a principle laid down as the basis of a representative system, that there should be a certain proportion between the population and the constituency by which the franchise was to be measured, and by which it should be determined whether the qualification should go down to 5*l.*, or whether it should rise to 50*l.*? If, then, they never thought of applying such a principle here, he did not see any reason why they should apply it to Ireland; because, either from its position, the circumstances of its population, or the state of its wealth, some indiscriminate change might be thought to be desirable. He came now to a question which he was aware was to be approached with considerable difficulty and delicacy, and which he would wish to discuss with the least possible feeling, but looking at the bill itself, looking at the effect which it was proposed to attain by the alteration, and looking at the whole state of the case, he felt bound not to shrink from the discussion. The state of society in Ireland, in reference to the exercise of the elective

franchise, and the causes of that state materially influenced the constituency, and accounted for the smallness of the proportion which in Ireland exercised the franchise, and that without any injustice in the law itself, or in the qualification for the franchise. This arose, in the first place, from the great subdivision of land in Ireland, and the competition that existed, which made the agricultural body in Ireland—he meant not to impugn, in any manner, the respectability of their general character—but it made them inferior in property, in solvency, and in independence, to the agricultural classes in England. He did not wish to rest upon any vague or loose reports; but he would turn to documents illustrating the state of society in Ireland, prepared without any reference to any political feeling or party object. He found among the returns on the table of the House a report of Mr. Stanley upon the Poor-law in 1838, an analysis of the population returns of 1831 for Great Britain and Ireland, and also an analysis of the state of the agricultural population in the two. It appeared that the area of Ireland was 14 millions or $14\frac{1}{2}$ millions of acres, whilst, in Great Britain, there were 34,250,000 acres, or, in other words, the area of land in Ireland was as 2-5ths of the area of England and Scotland. Among how many persons, as landholders, was that area in Great Britain divided? It appeared that there were 355,800 persons occupying 34,000,000 of acres, whilst in Ireland, occupying 2-5ths of the same area, there were 659,600 landholders; or there were in Ireland, occupying 2-5ths of the area of England, nearly double the number of the landholders in Great Britain. Nothing showed more clearly the difference between the state of the agricultural population in the two countries. The necessary result of this multiplication of tenants occupying a smaller area of the soil was to lead to a reduction in the number of those capable of exercising the elective franchise. Where the holdings were more divided, the lower would be the number of persons entitled to vote: thus it would be, and thus, in his opinion, it ought to be. Again, the landholders in the two countries were respectively distinguished into two classes, those who do, and those who do not, employ the labour of other persons; and the difference was very material. In Great Britain, out of 355,000 landholders, there were 187,000,

or rather more than one-half, that did employ labourers on their farms; but in Ireland, out of 659,000 holders of land, only 95,000, or less than one-fifth of the whole, employed any other labour on their land except their own. There were 564,000 who had the assistance of no extraneous labour whatever. Could any thing better mark the difference between the two classes in the two countries, leading necessarily and naturally to a disproportion between the numbers of the voters. There was, however, another cause for the difference between the two countries. There was a general disinclination among the landlords in Ireland to granting qualifying leases to the tenants, leading necessarily to a further and considerable reduction in the number of the persons entitled to the franchise. In the report which had been put into the hands of Members this morning, the commissioners, Messrs. Haig and Deasey, stated,

“In every part of Ireland which we visited,”—but what those parts were they did not condescend to mention,—“the number of existing leases seem more likely to diminish than to increase. An indisposition to grant leases prevails to a remarkable extent among landed proprietors. Leases expire, and they are not renewed. Landlords have ceased to wish that their tenants should possess the franchise. Whole districts are everywhere to be found, the tenantry of which are unrepresented.”

That was the statement of the Gentleman whose report had been that day submitted to Members of Parliament. He did not deny that, to a certain extent, what these Gentlemen had stated would be found to be correct, and he was free to admit, that he regretted that such should be the fact, but at the same time he was bound to say, that he was not surprised at it. He wished to touch upon this topic without causing any warmth, and as gently as possible; but he believed, that there was no man on either side of that House who did not know, that there was a remarkable difference between the state described by these Gentlemen and the state in this country. There was not in England this remarkable objection on the part of the landlords to the granting of leases; they had not the same aversion to the exercise of the franchise by their tenants, because, taking one with another, be they Whig or be they Tory, be they Gentlemen on one side of that House or Gentlemen on the other, it was a matter of pride and satisfaction to the landlords of England

that their tenants usually felt a desire to comply with their landlords' wishes. He neither sought to deny nor to apologise for it, while he condemned the exorbitant or undue exercise of the power; for if it were pushed to an extreme, it was known, that when any man attempted to estimate the probable result of a county election, it was ascertained by calculating the number of the great landed proprietors in the county, and weighing the number of occupiers under them [*Cheers*]. Nay, those who cheered were quite willing to take advantage of the fact. Even the noble Lord himself (Lord J. Russell), in introducing the Reform Bill, insisted, that it was his wish, as it was his expectation, that the bill should maintain among the county constituencies, the legitimate influence of the landed proprietors. He asked, then, the House, to consider the condition of the English landlord: if he found one, or two, or three, of his tenants exercising their own independent judgment, and, in consequence of the difference in their political views, taking an adverse course, it was understood and created no ill-will; but if the English landlord found upon his estate a system of influence habitually exerted, by which all his tenants were prevailed upon in a body, and in every instance, to set themselves in opposition to his political views, an influence which he could neither avert nor control—he would ask, what would be the not improbable course which, under such circumstances, the English landlords would take? How could they blame the landlord, or how could they say it was unnatural in him to seek to obtain tenants under him whose influence, would have no effect? He did not think that there could be any great animadversion on the landlord, who said, "I must have tenants who are not habitually subject to influence and interest habitually exercised." But the landlord might not go this length; he might be restrained by motives of humanity or of justice, or by considerations for his tenants, from taking this step, and substituting tenants who concurred with him in opinion for those who did not. He might say, "I have no quarrel with you as regards our respective positions of landlord and tenant; you are satisfied with me as a liberal landlord, and I am equally satisfied with you as an industrious and respectable tenant; but there is one source of irritation between us, which

must exist so long as I perceive that upon all political occasions you are led to take a course opposed to that which I take; but this is the only point of difference between us—let it not interfere to produce any misunderstanding between landlord and tenant, but so long as it exists there must be irritation, and an interruption of the good will which is now maintained. You may feel confident in me, and you know that I shall not dispossess a tenant who does his duty in an agricultural point of view; let us get rid of this franchise, therefore, and let us remove from between us this bone of contention." He asked, whether in England this would not be considered to be a fair and liberal course to adopt—whether it would not be considered that any landlord was justified in neutralising the influence of his property altogether, rather than submitting to the employment of that influence against himself—and whether he might not say, that he would not of his own free will be an instrument in the hands of others, for the purpose of effecting their purposes. He contended that that was the natural course, and one to which very little exception would be taken in England. He said that that was the state of society in England to a certain extent. There were those tendencies afloat between landlord and tenant, which had led much to a diminution of the number of electors, from an indisposition on the part of the landlord to put into the hands of his tenant a political weapon, to be wielded, in time of political warfare, against himself. He regretted this state of things; he regretted that this should be the result of it; he regretted that the diminution of the constituency should arise from these causes, and he said, therefore, that when he had been shown that such a course had produced a recurrence of the old system, and had led to the representation of the Irish counties being placed in the hands of a few monopolists, or in the hands of a limited constituency, and that this species of monopoly existed in opposition to the provisions of the Irish Reform Act, the object of which was to extend the franchise, he would admit, that then he should be ready to say, "I am prepared to discuss with you this subject, with a view to remedy that which I admit to be an evil, and to devise the best means of remedying those mischiefs, which I conceive to be inconsistent with the Reform Bill." But he

told the House as frankly, that before he adopted that course, he must be shown distinctly that the effects which were alleged had been produced. And when he had been shown this, and that the constituencies had been practically narrowed into a smaller number as compared with what they had been, and by the operation of this cause, and this cause only, then he should be ready to discuss the remedy by which they might meet the case, and avoid the injuries which were said to have arisen. But the remedy which was now proposed, he could tell the House, would be a dangerous one. It was a subject which was not to be treated lightly, or with indifference, because it was in effect an exertion on the part of the Legislature against the struggles of property. That it might be required by circumstances he did not deny, but they would find that property would resist this interference, and he warned them to be prepared against the event. But before he should be prepared to apply a remedy, the grievance must be satisfactorily proved. He would turn to the county constituency of Ireland, and would refer to a paper which had been laid on the Table of the House, under the authority of the House itself. That paper was ordered to be produced in the course of the last Session, on the motion of the hon. Member for Kilkenny. He would turn first to the state of things at the time of the passing of the Irish Reform Bill. At that time he calculated that the county constituency amounted to 52,000, and the hon. and learned Gentleman, the Member for Dublin, told him, that in making that calculation, he was going far beyond the mark,—indeed he was not sure that he did not say one-half beyond the point to which he ought to go; but he told him, that if he would consent to take the 5l. franchise, instead of the 10l. franchise, he did not despair, that within a limited time the constituency of Ireland might amount to 60,000, or even 90,000, on the registry. He turned now to the state of the constituency at the present time, and to the supposed evidence which had been produced by the Government, of the progressive decrease of the county constituency, owing to this holding back of leases, which was complained of. In the years 1831 and 1832, as he had already said, the number of the constituency was 50,000. Now, what was the number of the county

electors?—99,157. He found, that in ten of the counties there had been an increase, not since 1832 only, but since 1835, and that in two of them—and two only—there had been a diminution of the number of constituents since 1835. The augmentation and net increase in the county constituency of Ireland since 1835 had been 10,419, and that since 1832, taking the most limited calculation, there had been an increase of more than 10 per cent. in the county constituency. He would turn now to the borough constituency, and he found that in almost every borough in Ireland there had been an increase since 1835. As to ten of the boroughs, there had been no account, and in one there had been a decrease, which was that of a single individual only. In Dublin, now, there were no fewer than 17,347 voters, and of these there were 10,585 10l. householders, a class newly introduced. In Cork there were 8,164; in Belfast 5,400; and the total number of electors in the thirty-two boroughs of Ireland, Limerick being excepted, was 55,530. Of these there were 37,000 10l. householders, and there was no borough in Ireland which had a new constituency of less than 200 at the least. This was the result of the paper which had been laid upon the Table. [An hon. Member: It is not to be depended upon.] Those who quarrelled with this paper were the very persons who had been so anxious for its production, and for whom it had been laid upon the Table of the House; but now, finding that it did not bear out their arguments, they turned round on him and said, "This paper is good for nothing; if it had shown a decrease, we should have acted upon it, but, as it proves a great and striking increase, we repudiate it altogether, and say that it is totally unworthy of belief." And why did they seek to withdraw it from the attention of the House? He had no doubt at all that there were in this registry a considerable number of double registrations. What deduction should they make on account of these double registrations? There were, no doubt, also fraudulent and fictitious votes upon the registry. What should they take off for the whole? He would say 20,000; and if he allowed that large number, the returns still proved that there had been an increase to 79,000, as compared with 52,000, but when he stated that there were 52,000 on the registry, at the time of the passing of the Reform Bill,

it was to be observed, that that register had existed for thirty, or forty, or fifty years, and the number of bad votes upon it, whether they were dead votes or fictitious votes, must have been even greater than that of the new votes which were subsequently added to it. He certainly had not been prepared to hear it said, that the paper which had been produced by the Government, at the desire of the hon. Member for Kilkenny, was so utterly worthless as it was suggested, as affording evidence of the present state of the franchise. [Lord John Russell: It is not a return given by the Government.] The Government, at all events, had offered no objection to its production, and it ought to be taken to be a valid return. But, admitting that there were double entries on the register, and that the return gave no actual test of the existing state of the constituency, then what did he say? That before they proceeded to alter the constituency, and to act on the assumption of a diminution, they should see, that the diminution had actually taken place, in order that the new law which they proposed to introduce should, in reality, have the effect of remedying an existing evil. But, "No," said the noble Lord, "you shall not have the means of doing so; we tell you that the constituency of Ireland has diminished materially, and before we will allow you to get evidence upon the point, we call upon you to alter the qualification of the constituency, and we refuse you the means of purging the register." But he felt that he was detaining the House at an unusual, and he feared troublesome length upon this subject, and he rejoiced to say, that he had come very nearly to the end of the objections which he entertained to this measure. He objected to the bill, as he had already said, upon the principle on which it was founded; he objected to the qualification being based upon the rating, and not upon the profit; he objected to the valuation upon which it was proposed to form a franchise, as being insufficient to give a fair test of the actual value; but if all these objections could be got over, he objected, in the very strongest terms, to the amount of the value which was proposed. He asked for a reason why the household franchise should be lowered from 10*l.* to 5*l.*? Was there a restrictive franchise? Where would they produce a document to show it? It lay upon those

who proposed the alteration to prove the necessity for it, and why should they introduce in Ireland a qualification wholly different from that which existed in England? Let them take the county constituency, and on what ground was it that the noble Lord hoped to induce the House of Commons to say, that every man, whether liable to pay rates or not, whether charged with a rent ten times the real value of the land which he occupied—every man who occupied lands which at any time had been inserted in any rate-book, or supplemental valuation, should be entitled to the franchise? On what ground was it that the noble Lord called on the House of Commons to introduce this class of voters? What class would this be in England? The noble Lord had years ago refused his assent to a proposition of the hon. Baronet the Member for Preston, for the purpose of extending to the 10*l.* householders the right of exercising the franchise in counties. On what ground was it, that he was going to extend the franchise in Ireland? Did he suppose that 5*l.* householders in Ireland were a class less liable to influence, better educated, more independent, and more thrifty and economical than 10*l.* householders in England and Scotland. Was that the ground on which he was going to make this distinction? What was the class of persons to whom he was going to give the franchise? Every unfortunate man, who, under the denomination of a grinding landlord, might occupy a cabin and an acre or two acres of land, for which he was charged a rent higher than he could afford to pay, or his holding was worth, would be entitled to it. It would be given to a class of persons below that of the labourer of England—to individuals of a rank and station infinitely more degraded (he did not mean as regarded their character, but their education and general habits), infinitely lower than the labourer of England, who procured his livelihood by the work of his own hands. A report had been laid before the House, not long ago, from the Poor-law commissioners, in reference to emigration; and what did they say on that subject? They said that in Ireland there was practically no difference between the lower class of farmers and the labouring men; and that the lower class of agricultural tenants in Ireland was as much entitled to compassion and relief, by their being aided to

emigrate, as the labourer. The noble Lord, by his bill, said that any man who was rated at *5l.* should be called upon to exercise the elective franchise; but, in reference to such a proposition, there was one passage which he trusted the House would allow him to read, and which, as it came from a source which could not be suspected, was entitled to consideration. It was the evidence which had been taken before the Irish Tithe Committee in 1838, and which had been given by Mr. Walsh, a magistrate of Kilkenny, and he gave this description of the smaller farmers of that county, with reference to the possibility of the collection from them of tithes, which was the subject under consideration, He was asked—

“What are the description of persons from whom arrear is due?—of what description are the persons called farmers from whom arrears are due?—I should say the majority of persons under the class of farmers in the county of Kilkenny are persons holding from ten to fifteen acres of land. What is their situation from about the month of April to the month of September?—They are generally in those months in the greatest state of destitution. Farmers in that class have no means of meeting the demands made upon them but by their crop, and from the time the sale of the crop takes place till the next crop they are destitute of every means of obtaining money. What is the description of their living?—Potatoes generally, without either milk or meat, and they consider themselves very lucky if they have enough of them. Did you not state that the people considered themselves well off if they made two rents out of the crop?—I consider a farmer may, by converting the land to the best purpose, make double the rent; but I do not think that the small farmers in general make any thing like that, nor has it, I dare say, come into their heads to calculate. They have no means now of paying their arrears, except by wretched cattle: some have one, some have none. Such a farmer has seldom a second cow—they generally try to have one; a horse and car, they have not advanced to a cart yet; and he joins with the next farmer, and by working their horses together, so they do their ploughing. If there was a power to enforce the arrear of tithe by distraining the cow, what would be the situation of that description of tenant? He would then be very wretched, as it is his only stock, except he may have pigs. Is he living for these four or five months on dry potatoes? He will live on these dry potatoes until he gets milk from that cow. Do you mean to represent this as the general picture of the state of farmers in the county of Kilkenny? I do mean to represent it as the state of farmers of ten or fifteen acres in the county of Kilkenny. Are

there not farmers of a more comfortable class? I do not mean to say that there are not several, but I think that the greater proportion are of the sort that I describe. What proportion of the land is divided into farms of ten or fifteen acres? It would be a difficult thing to make a calculation of that kind; I never made such a calculation, but in point of numbers of individuals I know that they are more than half; the greater proportion certainly.”

Now this was the state of men paying 30s. an acre for their land, and this was the description of persons, who were rated at three times the amount of their produce, to whom the noble Lord proposed to give the franchise. Why, then, for God's sake, let them not make such a mockery of the franchise; let them, if they could, alleviate the distresses of these poor people by establishing such a system of emigration or of poor-laws as might place them in a better situation; let them alleviate their physical wants, but when they were told that for four or five months in the year they were in this wretched condition, scarcely able to keep penury from their doors or their families from ruin, let them not mock the misery of these men by tendering to them as a boon the elective franchise. Let them not, above all, go to the absurdity of saying, that while in their virtuous horror they withheld the franchise from the fifty-pounds tenant-at-will in England on account of his dependent position, they would nevertheless confer the right of voting upon men rated at *5l.* a year, hardly able to find dry potatoes for the support of their families from year to year, and without reference to the amount of his rent, which might, and perhaps did, keep him in absolute dependence on his landlord. The reason for doing away with the forty-shilling freehold right of voting was, not that it was a Catholic constituency, but that it was a dependent constituency—that from their position in society they were dependent either on the landlord or on the priests. This was the statement made by Lord Plunket, and by most of those who sanctioned the alteration. This was the ground on which Parliament had acquiesced in their disfranchisement, believing that the whole class was incapable of exercising independently the franchise of which they were sought to be deprived, and that in taking it away from them they removed nothing which was to be considered in the nature of a boon, but that they took out of the

hands of the needy and aspiring landlord the wretched means of enforcing his own views with a total disregard of the feelings of the tenant. The forty-shilling voter, at all events, was required to possess a beneficial interest above the rent. The present bill called for no such qualification. It required that the land should be rated at 5*l.*, and it took no security that there should be any further interest. The effect of it would be to establish a set of men on the register whom their landlord might expel from house and home so soon as they should exercise the franchise in a manner opposed to his wishes; it took a class of men, whose houses were not secured against violence; who dared not face the consequences to themselves or their families of giving a vote which might be unpopular to the majority of the people. The noble Lord would say, however, that there was a restriction. He would say, "I impose still the restriction that the voter must have a fourteen years' lease," and this he seemed to think was a sufficient restriction in the case of a 5*l.* franchise. It was undoubtedly a restriction, but it was placed just in the wrong sense; just on that point on which it was not required. What was the advantage of a lease? The man who held a lease had for a term of years a property of his own—a stake over and above all demands, of which no man could dispossess him; from which he was enabled to maintain himself and his family, and to obtain a profit which no man could take out of his hands. But the nominal amount of rent was charged above that which the man could pay, and to extort more than the man could afford to pay, afforded no restriction at all. If the landlord meant to exercise his power tyrannically, he would grant a lease for fourteen years—a lease which the tenant could not afford to accept, and he would thus keep the tenant in a perpetual arrear of rent, and then take him up under the bill of the noble Lord, and say, "Vote according to my desire, or else —." But the noble Lord said that the cause of the great diminution of the constituency was that the landlord might withhold leases. Why should he not? But the noble Lord stated one thing to be the reason of the diminution of the numbers of voters, and then he provided for the extension of the franchise by a means which he knew would be inefficient. There could be no greater temptation to

landlords to grant leases to men at 5*l.* than at 30*l.*, and the effect of such leases being granted, would be to place at the disposition of the landlords persons of an inferior rank, over whom they might exercise their influence. Supposing, therefore, that all the other objections which he had urged should fail, the objection which he now suggested to the remedy which the noble Lord proposed to the difficulty which he pointed out, the extent of which he did not know himself, and the existence of which was, in fact, in a great degree problematical to the House, he thought must weigh strongly with the House. In conclusion, he begged to express himself deeply sensible of the kindness of the House in listening to the objections which he had urged, and which he had laid before the House in such a manner as to have occupied no inconsiderable period of time. He had felt, however, that, in justice to this great question, it was impossible that he could go into it at any less length, because his arguments had been directed, not against the details of the bill alone, but against the whole of the principles upon which it was founded. He called upon the House not now to examine those details, but to reject the bill upon the general principles upon which it was brought forward, as founded upon ambiguous and false evidence. He would not press upon the House the argument how impossible it was to sanction the application of those principles to Ireland alone, because that was an argument which would readily suggest itself to the mind of every one who heard him, and how impossible it would be to withhold the same extension of the elective franchise to the other parts of the United Kingdom. The hon. Member for Kilkenny had in succession given his services to all three portions of the empire, and he, therefore, looked with an impartial eye upon all of them. He would naturally say, "What is good for Ireland is good for England, and what is good for England is good for Scotland." He had been in succession the representative for Dundee, for Middlesex, and for Kilkenny, and he would say, "If you seek to give this franchise to Ireland, I grant it is a most desirable franchise, and that Ireland should obtain it;" but as soon as it was granted to Ireland, he would call upon the House for "Justice to England," and demand the extension of the same principle to that portion of the empire,

The noble Lord, he thought, must look with some amusement on the way in which some of his successive supporters had fallen into the seductive lures of his propositions, but he called upon the noble Lord to tell the House to what length he intended to go with this measure. He called upon him to say, whether he meant to introduce the *5l.* franchise in England in reference to the county constituency, and he was bound to answer that question before the conclusion of this debate; that the House and the country might know what England had to expect. He was firmly of opinion, that although the noble Lord might for a time succeed in postponing the effects of the great abuses of the registry, by tacking to it this bill, the only real result would be again to unsettle the minds of the whole of the constituency upon the subject, not of any minute alteration in the details of the system, but of the alteration of the franchise itself which was introduced by the Reform Bill. Although the noble Lord might succeed, and probably would to a certain extent, in throwing together all these elements of discord in the cauldron of political mischief—that cauldron which was so eloquently and so emphatically denounced by the noble Lord opposite (Lord John Russell) in his address to the electors of Stroud, he trusted that it would be rendered impossible for the noble Lord to pass this bill, even through this branch of the Legislature. He entertained a hope, an ardent and an anxious hope, that even this House would, upon this occasion, reject the consideration of the noble Lord's bill on the principles on which it had been brought forward. He was confident, that a large part of the Members of that House—whether the majority or not, he did not know—would be opposed to its principles, and that a considerable portion of the people out of doors would be of the same opinion, but even if he did not entertain that hope, if he felt that he should be left in the smallest conceivable minority on this occasion, if he stood alone in the position which he had taken, so decided was he in the feeling and opinion which he entertained, that he should record his opposition to the second reading of the bill. He moved that the bill be a read a second time that day six months.

Mr. C. Wood said, that he was aware

of the disadvantages to which he subjected himself in rising after the noble Lord who had just sat down; but, at the same time, he was anxious to avail himself of the first opportunity to express his entire concurrence in the course which her Majesty's Government had pursued upon this subject this year; and his approval—he would not say of all the details, but of the general principle of both branches of his noble Friend's bill. He was the more anxious to say this, because it had been his painful duty, last year, to differ from the course which the Government had taken. A great evil had been admitted. The Government had, as the noble Lord had reminded them, declined to provide any remedy, and he could not reconcile himself to join them in refusing to consider the details of the noble Lord's remedy, the principles of which had been sanctioned by this House. But this self-same consideration—his anxiety to see this evil remedied, seemed to him to render it impossible to join in the vote of opposition to the second reading of the bill. He was left as much in the dark by the noble Lord as to the precise grounds on which he opposed this bill, as he had been before the noble Lord had commenced the speech which he had delivered. He could not see in what, except mere matters of detail, the objection of the noble Lord opposite, to the bill of his noble Friend, consisted. As regarded the subject of certificates, his objection was entirely unfounded. The bill of his noble Friend seemed to him as completely to extinguish the existing rights of county voters as did the bill of the noble Lord opposite; both, indeed, gave to the holder of a certificate, a *prima facie* right to be placed on the register from the moment the register was completed; from the moment the bill came into operation, he could no longer vote in virtue of his certificate, but only by right of his name being on the register. The bill of his noble Friend did not, however, materially differ from that of the noble Lord opposite in its main features. It provided for annual revision which had been last year contended against. It was true that the voter was protected from re-investigation except in cases of fraud, but the appeal was given both ways, and the costs both ways. The only other point in which there was a difference between the two bills was, that the appeal was not to the judges, which he considered a decided improvement on the bill of last year. It was of the utmost importance that

the judges should be apart from political considerations, and neither justly nor unjustly liable to the imputation that they were swayed by party bias. While the bill of his noble Friend provided a remedy for the defects in the existing system of registration, it deprived him of no advantage to which he was legitimately entitled. This part of the bill, however, only got rid of one-half of the evil, and that by far the lesser half. For it appeared by the reports and papers on the Table, that of the frauds that had taken place, the principal portion had arisen, not from personation or falsification of certificates, but almost exclusively on questions arising out of the uncertainty which exists as to the definition of the value—an uncertainty which neither the bill of the noble Lord opposite, nor the first half of the bill of his noble Friend grappled with. The latter half of his noble Friend's bill, however, did meet this difficulty; and thus the bill dealt, not alone with the lesser evil of the registration, but also with the greater one of the franchise. It removed not only the mote but the beam also. Hon. Gentlemen on his side of the House, had argued last Session, with some appearance of consistency, though he had not agreed with them, that it was useless to attempt to legislate for the lesser evil, without at the same time legislating for the greater. This measure did so legislate for the greater; and the argument used on the other side, that they should refuse to legislate at all, because it did so legislate for the greater evil, appeared to him perfectly absurd and monstrous. Because the measure was perfect—because it attempted to remedy the whole of the evil—they would not suffer it to be taken into consideration. The noble Lord opposite, though not venturing to deny the existence of doubt and uncertainty as to the definition of the franchise, had not, in the whole course of his bill, suggested a single remedy for a state of things which he could not but deplore. He (Mr. C. Wood) would at once grant, that the doubts which prevailed in Ireland as to the value of freeholds could never have existed in this country. The value of a 40s. freehold was here understood to be a freehold that would let for 40s. Under the old poor-law a 10l. tenement was a tenement that would let for 10l. The doubt would never have arisen in England; but was the case mended by that? The doubt had existed in Ireland; the doubt did exist in Ireland. It existed in every class, from the peasant

to the judge. The voter on claiming the franchise took an oath to the effect that he was entitled to it according to a particular construction of the words of the Reform Act. This was a construction maintained by judges on the bench; and was it matter of surprise, that when such decisions were come to by the judges, the peasant should go before the assistant barrister, and, without incurring the charge of perjury year after year, and day after day, swear to his possession of the franchise according to his belief of the proper construction of the act? He (Mr. Wood) did regret, that such a doubt should exist. Hon. Gentlemen on either side of the House might regret, that such a doubt should exist; and that learned judges had decided on different ways, but the fact remained unaltered, and it was their duty as legislators to deal with the existing state of things. Remove that doubt, which affected the whole franchise, and they would remove the opportunity for such disgraceful swearing and counter-swearing as existed in Ireland. Many attempts had already been made to define the meaning of the words, "beneficial interest." A bill went up to the other House, in which a clause containing a definition had been introduced by his late lamented Friend, Lord Clements; and the bill last year of the Attorney-general for Ireland left the matter in as doubtful a state as before. What, then, was to be done, if the franchise was to be defined? Were they prepared to return to the solvent tenant test, as it existed before the Reform Bill? A great argument used by a noble Lord in the other House of Parliament was, that by the alteration proposed in the Reform Bill, the temptation to perjury which formerly existed would be removed. Was it not avowed at that period, that some relaxation was intended from the strictness of the test which existed before its passing? He would not repeat the words which had been used by Lord Lansdowne and the Duke of Richmond, but it was clear, that the framers of the Reform Act considered, that the test as it existed before the Reform Act was too stringent. Yet the decision of the Irish judges would bring into force again that precise test, which the framers of the Reform Act had stated it to be their intention to relax. It was clearly intended, that some kinds of voters were to be included that were not previously included. This he conceived rendered it impossible for them to go back to the test exacted before the

passing of the Reform Act. When a doubt existed on the construction of an act involving the people's rights, he would scarcely bring himself to believe, that this the popular branch of the constitution could decide against the people. It being impossible to define the meaning of the term beneficial interest, or to return to the principle of the solvent test, as applied before the Reform Bill, what other test could be so safe as the rated value under the Poor-law? For his part he saw no mode of approaching the difficulty so satisfactory as a rated test. The qualification according to this test was not a Radical suggestion; he was not quite sure, that it did not originate on the other side of the House, at any rate the hon. Member for Mallow and the hon. Member for Monaghan introduced a bill with this express object, and he found from the report of the Fictitious Votes Committee, which formed the very foundation of the bill the noble Lord opposite introduced last year, that this very test of rating was suggested by an Irish barrister of Conservative politics, and very high character. He alluded to Mr. Fosberry, the resident barrister of the county of Longford, who was appointed by his noble Friend opposite. In answer to questions from Dr. Lefroy, Mr. Fosberry stated—

“That he had always been of opinion, that it would be preferable to take the payment of the county cess rather than the 10*l.* value; that the county cess, though not a good test, would be much better than the existing one; and that he would decidedly prefer a certain pecuniary test arising from tenure, which would prevent a great deal of false swearing and uncertainty.”

It was thus made perfectly clear, that the rating test was not the suggestion of his (Mr. Wood's) side of the House for the purpose of extending the franchise; it was the opinion of a person who had received his appointment from the noble Lord opposite, whose politics were conservative, and whose character irreproachable. He had not heard throughout the whole of the noble Lord's speech, one conclusive reason against the adoption of a rated test. With regard to the precise amount of the rating, that was not now before the House. It was a question of detail, and for the committee which must necessarily decide upon it. All that the House were called upon to assent to now, was, to define the value of the qualification by a rating test; and if they thought it necessary, in committee, to make it 10*l.* or 20*l.*, it was open to them to do so. The

noble Lord would take some profitable interest beyond the rent paid. To see what would be the practical effect of this plan, he would refer the House to the actual state of the union of Longford, where the least abuses existed, and where the valuation had proceeded much upon the principle that prevailed in this country. In the report it is stated, that Mr. Wallace, the valuator, was well accustomed to value, and that the rated value in that union was about one-fourth or one-fifth less than the rent paid. Now, suppose 10*l.* above the rent paid was the amount of value fixed upon—a valuation not lower in proportion to the rents paid than that which exists in England, what would be the effect on the constituents? Mr. Wallace gave a statement of 130 voters, freeholders, and leaseholders indiscriminately on both sides, as a fair specimen of the constituency in Longford. How many of these 130 would remain on the list, did the House suppose, if the 10*l.* test were adopted? One hundred and twenty-six out of the 130 had not the 10*l.* rated value above the rent. Thus 126 would, by the operation of the principle of the noble Lord, be disfranchised out of 130; but to go further, suppose the test was a 5*l.* value above the rent, eighty-three would be disfranchised out of the 130, or sixty-six per cent. on the whole constituency. This was the statement of Mr. Wallace, and it was borne out by the opinion in the report of the commissioners, that, framed as the valuation had been, if the law were to require any excess of rating, it would exclude the tenants of even the most indulgent landlords. The case of Longford proved, that there were many on the register who would not be on it in England; but it also proved that if they applied the test of the noble Lord opposite, they would altogether destroy the constituency. He was not prepared to go that length. He was not prepared to diminish the constituencies in Ireland. In the return quoted by the noble Lord, there was evidence enough that the constituencies in Ireland were already so low as to afford grounds for some just apprehensions. He did not think it unfair to compare the Irish constituencies with those of this country. He did not say, that the analogy should be pushed so far as the noble Lord had intimated. The noble Lord had urged it to an undue extent. But the comparative population of the English and Irish counties was very much in favour of the latter,

With the exception of one or two cases, comparing the large counties in England with the large Irish counties, and the small in England with the small in Ireland, the population of the Irish counties would be found considerably greater. But how stood the Irish constituencies in the counties? There were three counties in England where the constituencies were under 3,000. In Ireland there were nineteen. Of counties with constituencies above 5,000, there were in Ireland three, and in England thirty-five. The highest constituency in Ireland, was 5,850, while there were no less than twenty-five counties in England with constituencies larger than that. But when the noble Lord talked of the return in question giving a fair representation of the constituency in Ireland, he seemed to have overlooked the notes appended to the bottom. For instance, the constituency of Cavan was stated at 3,800, but the return stated also, in a note, that out of these upwards of 500, or more than one-seventh, were to be deducted for double entries. The county of Longford, again, appeared to contain 1,900 voters; the report from the Longford union stated them at only 1,500. But even from these a considerable portion would have to be deducted for double entries and deaths; so that the 1,900 in fact dwindled down to considerably below 1,500. The county of Wicklow was stated to have a constituency of 2,300; but a note stated that, judging from the last election four years ago, not more than 1,300 were actually voters. The constituency of the county of Mayo, was stated at 2,100, a less number than that of any county in England except Rutland, yet the voters did not actually exceed 700. Now would any one, with these facts before him, state that the constituencies of the counties in Ireland bore a fair proportion to the population? He admitted, that the numbers of the constituency ought not to depend entirely on the number of the population. It was an important element in the Reform Bill, that property and numbers should go together in determining the constituency. If they were to come to a constituency based entirely on property, they might as well have left the old constituencies as they were before the Reform Bill, with the burgage tenures. He did not advocate the unlimited extension of the franchise; on the contrary, he thought it

would be an evil and an obstacle to liberal and enlightened legislation. Had a much larger constituency existed in the country at the time, there was no reason to think that the Catholic Relief Bill would ever have been carried. In a controversy which had been carried on as to a considerable extension of the franchise, by the editor of a newspaper with which his hon. Friend the Member for Leeds, was connected, they had shown good reason for thinking that if the parties urging that extension succeeded in obtaining it, they would defeat those measures of useful legislation, which were in fact, their ultimate object. In opposing, however, an indefinite extension of the constituencies; it surely was not too much to ask, that their numbers should be such as to ensure a general identity of feeling and community of interest, between the great body of the people, and those to whom was deputed the trust of choosing their representatives. The noble Lord opposite had said, that if it could be shown to him that the Irish constituencies were considerably reduced, and the exclusive domination of one class restored, he would then take into his consideration how such an evil might be remedied. He, (Mr. Wood) thought it far better and wiser to anticipate and prevent so dangerous a state of things; and could anybody say, that it was even now impossible or improbable. He would take one instance—the county of Mayo. The population of Mayo was 360,000, and in that part of the country nine-tenths of the population were of the Roman Catholic religion, and the actual constituency had been ascertained not to exceed 700. They had been told at the time of the Tithe Bill, that the major part of the landed property in Ireland was in the hands of Protestant landlords, and the House had heard of Protestant landlords refusing to renew leases to Roman Catholic tenants. Suppose this system should go on very little beyond what had taken place already, was it so impossible that the Members for the county of Mayo, representing 360,000 persons, almost exclusively Roman Catholic, should be returned by a constituency as exclusively Protestant, not exceeding 700 in number? And this in a county where every question is more or less connected with religious opinions. Could there be an identity of feeling between the repre-

sentatives and constituency? Could the population feel much confidence in their representatives, or in the Legislature which had produced such an anomalous state of things? With regard to Leasehold tenures, the noble Lord had compared the state of Ireland with that of England. But the amount of the Leasehold constituency in England was small, and mostly in mining counties; not more than thirty, forty, or fifty leaseholders in some of the agricultural counties; whereas, in Ireland, the number of voters, in right of a leasehold franchise, was much greater, and there seemed great reason to apprehend a serious diminution of their numbers. The noble Lord had stated the grounds on which he believed that the landlords were unwilling to renew leases, and he must say he had heard with great regret the sentiments to which the noble Lord had given utterance, as to the relation between landlords and tenants in political matters. He had always understood that the tenure of land and the relation of landlord and tenant were founded upon their mutual interest; and that how the tenant might vote, and what his political opinions might be, had no more connection with that relation than if they were not known to exist at all. Whether his vote was known to the landlord or not, that it should form a matter of consideration between the landlord and tenant, he confessed had been to him (Mr. Wood) a matter of no little surprise. But it appeared from the reports, that leases were not renewed from considerations affecting only the tenure of land quite apart from politics. In the Parsons-town union, land was said to let higher when let from year to year. No law could prevent landlords from declining to renew leases in such cases, and yet by such a practice numbers of voters might be disfranchised. Against such a diminution of voters his noble Friend's bill provided no remedy; and though he spoke with great diffidence on any subject connected with Ireland, it seemed to him that it might be better to omit altogether the leasehold tenure, and fix the franchise simply on rating, of course at the same time raising the amount. The only objection to this, was, that such voters would be unduly influenced by their landlords, and the example of the 50*l.* occupiers in this country was quoted. With reference to the coercion said to be exercised on the 50*l.* tenants in this country, he did not mean to

say, that there were not individual instances in which undue influence had been used, but he did not believe it to be common. There was no need of it, for he believed, that in most instances in this country the opinions of the 50*l.* tenants on the register were in perfect accordance with those of their landlords. He also did not believe, from all that he had seen or heard, that there was a less coercion with the leaseholders than with the 50*l.* tenants-at-will. In Ireland, where there were so many complaints of the proceedings of the landlords, the tenants were always leaseholders. He believed, also, that in some of the places in Scotland, from which the greatest complaints had been heard of the exercise of the influence of the landlord—he had been told, that it had chiefly been shown in the case of leaseholders. But in whatever way the fact may prove to be, the House was bound to take care that the constituency of Ireland should not be reduced. He thought there could not be any better test than the rated value of the premises. If the amount of rating in the returns of valuations be any test, there would be in the Parsons town, with a population of 71,000, at a rated value of 10*l.* independent of tenure, 2,200 voters. The noble Lord had objected to this bill as setting aside the principles of the Reform Act. If he could concur in that opinion, he should join the noble Lord in opposing it. He was opposed to any change of the Reform Act, for the purpose of producing a re-distribution of political power. He considered the Reform Bill to be a settlement of a great national question, and which should not be lightly disturbed. He thought that it had effected a revolution in the popular branch of the constitution as great as the revolution of 1688 had produced in the monarchical estate. It had been attended with great hazard, and we had reason to be thankful that it had been peaceably and tranquilly accomplished. In proportion as we had reason to be thankful, so ought we to be cautious, he would even say timid, in incurring such a risk again. To any re-opening of the question of the Reform Bill, he was as much opposed as the noble Lord himself. Nor was there any reason to apprehend the necessity of such a measure as this in respect to England. Was there any doubt as to the franchise in England? Was it necessary to deal with it at all?

He believed not. He thought that the Reform Bill had produced in England a fair representation of the people; he found parties as equally divided in the House as in the country, and he had no reason to believe that (unless something unforeseen should take place) an appeal to the people at the present moment could produce a materially different result. But whilst he adhered to the main features of the Reform Bill, he would not consent to be pinned down to its four corners, and be tied to every paragraph. Did the noble Lord mean to say that when we had a franchise in Ireland avowedly undefined, we were to be bound by the words of the Reform Bill and leave it untouched? Was it not the real principle of the Reform Bill to extend the franchise, and to include more persons within the pale of the Constitution? What was the avowed object of the framers of that measure? What had the noble Lord himself avowed to-night? That if a case was made out to his satisfaction of an undue restriction of the franchise, he would deal with it. In his opinion the case was made out at present. If, then, such were the case, it would be taking a most dangerous course to say, that they would adhere to the letter, but would not do anything which would support or carry out the principle and spirit of the Reform Act. It would be a course the most likely to prevent its being a permanent settlement. He was still more surprised at the noble Lord's opposition to this stage of the bill, to this running his own bill against that of the Government. What had been the opinion of the noble Lord last year? That this measure ought to be introduced by the Government. He said he had abstained from bringing in a bill till he had ascertained it was not the intention of Government to do it. He (Mr. Wood) had thought last year that the noble Lord was right, and this rendered him (Mr. Wood) less disinclined to support his bill last year. Consistently with the noble Lord's principle, he ought, at least not to oppose the present bill in this stage, whatever he might do in a future stage. But there was one important consideration he must mention. The noble Lord avowed that his only object was to remedy the defects in the system of registration in Ireland. The noble Lord was accused of another object in his bill—that of diminishing the franchise in Ireland. He (Mr. Wood)

would not say that he acquitted the noble Lord of such a design, because that would seem to imply that there might be ground for suspecting him of it; he thought that no man in that House was so little obnoxious to the charge of endeavouring to obtain that indirectly which he feared openly to attempt; he therefore stated without hesitation that he believed that the noble Lord was sincere when he declared that his intention was to amend and protect the registration, and not to destroy the franchise. But admitting this sincere and anxious desire on the part of the noble Lord, he (Mr. C. Wood) would put it to him whether he believed that, as matters stood in Ireland, he possibly could pass his bill in such a shape as to give satisfaction to the people of that country. He had no hesitation in declaring that he never recollected a bill that had been brought forward in that House which had excited such a feeling of opposition to it in Ireland as had been manifested against this measure; and he said this with perfect confidence, notwithstanding the weighty petition which the noble Lord had presented that night in its favour. Even last year he had been staggered at the unanimity of feeling against it amongst the party to which he belonged; but he thought the noble Lord's bill had been unfairly mis-represented, and the best proof of this was the adoption by his noble Friend of so many of its principles in his bill of this year. He had hoped that the excited feeling might subside; and he had endeavoured, though in vain, to interpose between this, and the consideration of the bill, the question of the English registration bill. He had done all he could to promote a temperate discussion of the bill, without which he saw that the measure could not undergo a fair consideration. But did not the noble Lord feel that the excitement against it was as strong as ever in Ireland, and that it had united all classes of the Liberal party in that country against it? The opposition was not confined to the hon. Member for Dublin, but embraced even the most moderate men of the liberal party, and many of those who were the strongest supporters of his own government in Ireland. He (Mr. C. Wood) thought that it was most unwise, unless compelled by stringent circumstances, to attempt to pass enactments against the general feeling of the people of a country. In times of emergency the House of Com-

mons had done its duty in passing measures which, although opposed to popular feelings, the peculiar circumstances of the day might render necessary; but was it prepared to do so when no such necessity existed? then the only question was, which of the two bills should form the ground work of their future legislation? This, then, was the simple question, and however strong the feelings hon. Gentlemen might entertain on the subject, he would ask them whether they were prepared in such a case to legislate in direct contradiction to the unanimous feeling which appeared to prevail from one end of Ireland to the other.

Mr. *Litton* intended to vote against the second reading of this bill, because the government by it, under the pretence of amending the registration in Ireland, intended to alter the qualification of the electors, and revoke the best provisions of the Reform Act in Ireland. He was satisfied that the bill was nothing more nor less than an attempt to repeal the Irish Reform Act and open the register to a body of men which should never be allowed to have the franchise, as they were incapable of exercising it with advantage to themselves or the country. It had been stated repeatedly in former discussions on this subject in that House, that under the present system the grossest frauds and perjuries had been perpetrated, and those who had asserted this had been stigmatised as libellers and slanderers of Ireland; but the examinations before the committees of that House, and the investigations of commissioners had shown that those who entertained that opinion were fully justified. So clearly had this been made out, that he believed all impartial persons would admit that within the last few years the fair and honest constituency contemplated under the Reform Act in Ireland had been swamped by a body of persons who had been placed on the register by the perpetration of the grossest frauds. During this state of things, the Government had been called upon from month to month and from year to year, not only in that House but by the country, to give a remedy to evils which were so extensive and so pernicious in their effects. Two or three bills had been introduced on the subject by successive Attorney-generals for Ireland, but they had always been brought forward at such a late period of the Session as to make it clear that there

was no serious intention to legislate on the subject. In consequence of this the noble Lord the Member for North Lancashire brought in his bill last year, and in every division on it the majority of the House affirmed the necessity of the measure, and it was not until then that the Government took the matter up seriously, and, compelled by public opinion, brought forward a bill somewhat in conformity with that of the noble Lord the Member for North Lancashire. As an adjunct, however, to that bill, they also brought forward one for the nominal purpose of defining the franchise, in consequence of doubts which it was alleged existed on the subject. On that occasion it was admitted that the bill to define the franchise should be kept separate and distinct from the measure for preventing perjury and frauds at elections; so that it was clear that the Government then thought that the subject should be dealt with separately, and that if any alteration of the franchise was to be proposed, it should be in a distinct measure. It was then admitted, that two objects so entirely distinct should not be mixed up together. It appeared, however, that the bill which had been brought forward, purporting to remove doubts as to the franchise in Ireland, was in direct contradiction to the opinions of ten out of twelve of the judges of Ireland. In the present case the two bills brought in by the Government last year had been incorporated. Under these circumstances, he would ask whether it were not clear that it was not the wish nor intention of the Government to clear the register of fraudulent voters without at the same time getting an alteration of the Reform Act. In point of fact they virtually declared that they would not prevent the system of perjury and fraud on the registration—unless they obtained a *quid pro quo* in the shape of an alteration of the Reform Act. He considered that it was most disgraceful on the part of the Government, under the pretence of defining the franchise, to alter the law as it had been declared to exist by all the judges in Ireland except two. Until the end of last Session there had been no intention expressed on the part of the Government to alter or extend the franchise in Ireland, and none of the parties who called for a change in the system asked for an alteration of the Reform Act, but merely that steps should be taken to se-

cure the due administration of it. When the Government saw that the people of England would no longer submit to the system of fraud which existed in the Irish registration, and that they must adopt either the bill of the noble Lord or one of their own, they, under the latter pretence, brought forward a measure in direct violation of the Reform Act, and containing matters which had nothing whatever to do with the registration. The truth was, that if the bill of the Government passed, it would do much both to demoralize and democratize Ireland. It would tend to perpetuate all the evils the country now complained of with regard to the registration, and, in addition, larger bodies of persons, wholly disqualified both from their situation in life and their want of intelligence, would be placed on the register to the swamping the legal and legitimate constituency of that country. He should oppose the bill because the qualification proposed was so low that it clearly showed that Government did not mean fairly, and he should oppose it on the ground that the principle of the bill, irrespective as it was of rent and outgoing, could not be corrected in committee. He looked upon the measure as a direct violation of that Reform Act which the Government affected to hold sacred. The petitions in favour of the plan of the noble Member for North Lancashire had been most numerously and respectably signed, and this without any agitation; he would venture to say, that, in point of station, fortune, and character, the signatures were a hundred to one, as compared with those which had been got up in favour of the Government measure, under the coercion of the priests—a coercion which the peasantry would be most glad to be relieved from. When the bill of the noble Lord near him was before the House last year, the noble Lord opposite predicted that the second reading of that bill would produce a confusion and excitement which would shake the empire from one end of it to the other—but no such result had followed. The Government was manifestly guilty of encouraging agitation in Ireland, of which there could not be a clearer proof than the circumstance that the gentleman who had taken the lead in the contemptible repeal agitation, was still continued in the commission of the peace. There was no one who thought for a moment that a bill of this sort, with a 5*l.* franchise, could pass

the Legislature; and he therefore arraigned the Government for introducing a measure like this, when they could have no other object in view than the giving encouragement to agitation and excitement.

Mr. *Fitzpatrick* said: I cannot allow myself to give a silent vote on a question of so much importance, and of such vital interest to the country with which I am connected. No one seems to deny, that there are very many and vast evils attendant on the present Registration Act of Ireland. The sole point then we have to determine is, how we may best check these evils, punishing the fictitious claimant without obstructing the *bonâ fide* voter in the attainment of the franchise. I am confident there is no one more anxious than myself to correct such abuses; and believing that nothing can be more demoralizing, more disgusting than the present system of registration in Ireland, I hail with unfeigned satisfaction the measure introduced by my noble Friend the Secretary for Ireland, as it will grapple with this most difficult question, and offer such a remedy as will effectually check the worst of all the evils complained of. That important part of my noble Friend's bill, affecting the qualification of voters, goes at once to the real root of the evil, as I look upon the question of the franchise as a preparatory and indispensable step to enable us to amend the law of registration in Ireland. Leave the franchise untouched, and I firmly believe our efforts will be unavailing; for though we may offer some check to the fictitious claimants by environing the franchise with numerous difficulties, yet they will also act as impediments in the way of the *bonâ fide* voter, thus making an undoubted right a constant source of annoyance to its possessor. I maintain that it is the test by which the franchise is at present ascertained in Ireland that invites fraud and holds out temptation to perjury. It matters little, in a moral point of view, whether you decide in favour of what is generally understood by the term beneficial interest, or in favour of the solvent tenant test; the result of such a decision would be merely an extension or limit of the franchise, for the test would still be dependent on opinion, and not on facts, and those scenes of rancour and strife, at present too prevalent in the registration courts, would be as rife as ever. I cannot understand any one acquainted with these

scenes, to whatever party he may belong, being anxious to retain such an uncertain and vexatious test, better calculated to engender strife and to incite to fraud, than adapted to protect right and elicit truth. On the second reading of the noble Lord the Member for North Lancashire's bill last Session, I expressed myself in favour of a franchise based on the valuation under the poor-law; but I heartily thank the Government for giving me an opportunity of recording my vote in favour of a principle plain, simple, but just in itself; which bill places the franchise on clear and intelligible grounds, affording in itself an effectual check against abuse, and which, I conscientiously believe, will confer a sound and lasting benefit on the Irish people. It may be difficult, nay, impossible, to fix on any amount of rating, which would constitute an exact equivalent for the present qualification prescribed by the Reform Act: however, when this question comes before me, I shall certainly take into consideration the very low valuation under the poor-law, and have some regard to the amount of population. Indeed, I have no hesitation in saying, that I would infinitely rather consent to extend than agree to narrow the already very limited constituencies of Ireland. The Government are taunted with introducing a measure which partakes somewhat of the character of a new Reform Bill, but such accusation might also be applicable to them, if their measure merely proposed to define the existing franchise, as the hon. and learned Member for Coleraine tells us that this question has been set at rest by a majority of the judges, and that Parliament has no further right to interfere in the matter, even though the framers of the Reform Act themselves may be divided on the question. I ask them, ought such a lamentable state of things to continue? Will this House pass the bill of the noble Lord opposite, affording no remedy to the worst of the evils, whose pervading principle is that of discouragement to registration; or will it support the Government in their manly and straightforward course of grappling at once with the true cause of the evil, and give to Ireland a franchise based on such a principle as will neither foster fraud nor tempt to perjury?

Mr. Lucas said, that the noble Secretary for the Colonies, on a former occasion, had most illogically and unjustly made use of some expressions which had

fallen from him (Mr. Lucas) to attach a reproach to the noble Member for North Lancashire, that he had not adopted some suggestions of his, with reference to the introduction of a bill for defining the franchise in Ireland. Now the words he had used in no way imputed to the noble Lord that he had been wrong in the matter. Had he (Mr. Lucas) been in that noble Lord's position, the introduction of a measure such as had been referred to would have been the last thing in his thoughts. What he had said, and would repeat, was, that the franchise should be placed on some ground different from, and independent of, the oath of the claimant; and his desire was, that the substitute he suggested might be used to establish the value of the land claimed in respect of it, in the opinion of an indifferent person. As to the bill introduced last year by the hon. Member for Mallow, and to which his (Mr. Lucas's) name was affixed, it could not be made use of as implying his consent to the principle of the measure before the House. What was the principle of that bill with regard to the franchise? It provided that where the annual value of the holding, as assessed to the poor-rate, exceeded the rent to which it was liable by the sum of eight pounds, the party should be entitled to the franchise. Thus the bill provided, that not only the value of the rent should be deducted from the given value, but also those charges which were deducted in the poor-law valuation. He would read part of a letter from his hon. Friend on the occasion of the introduction of the bill on which his (Mr. Lucas's) name was placed. The hon. Gentleman then read part of a letter in which the writer said, he hoped Mr. Lucas would forgive the forgery of his name, though committed with the usual object of forgery—to give the bill currency. He had put it on the bill with the concurrence of a friend to both parties, who had no doubt of Mr. Lucas's assent, and because it expressed no more than that he (Mr. Lucas) was favourable to a certain principle without binding him to any details. The writer went on to say, that he put the amount of rates paid out of the question as a basis for the franchise. With such a basis as this the greater would be the number of persons qualified for the franchise and *vice versa*. The only two principles which could be considered were, 1st, the value of the property as assessed for the purpose of rating; and, 2d,

the difference between the assessed value of the property and the amount of rent paid, the latter being, to the writer's mind, the true beneficial interest. Both principles were brought into action in the bill, and either might be adopted. The difference between the franchise proposed by the bill on which his name had been placed and the franchise of the Government bill was too glaring to make it necessary to dwell upon it. The noble Lord, the Member for North Lancashire, had left his friends on that side of the House in a state of great difficulty, for he had exposed so completely the defects of the measure of the Government, as to leave little to be said by those who followed him. There was one topic referred to by the hon. Member for Halifax, on which he (Mr. Lucas) might make a few observations. He meant the argument that the number of electors in Ireland was too few in proportion to the population—an argument which, as it appeared to him, was based on a totally false ground. The object of the Legislature in giving the franchise was not to make those entitled to it bear a certain proportion to the numbers of the population, but to bestow it in such a manner that Member assent to Parliament might be safely, wisely, and independently, elected. The question remained, whether that object could be best attained by a small or a large number of electors, and that would always be a matter of contest. But the abstract proposition, that because Ireland contained a great population with a small constituency, its constituency should be increased in proportion to that of England, was a proposition to which he could not give his assent. It had been urged, that, owing to many causes, such as the termination of leases, and the unwillingness of landlords to grant others, the number of electors was diminishing. But he did not find that to be the case in the county with which he was particularly interested. It was very well known that in that country many leases had expired, and yet the constituency had increased since 1834. In 1834 the number on the register was 2,400, while the number in 1841 was 4,221. It was true that the latter number included double registries; but deducting the double registries, there remained 3,421 electors on the registry at present, showing an increase of 50 per cent. on the constituency of 1834. With these facts

before him, he could not assent to the general assertion that the Irish constituencies were diminishing. He believed that they were increasing, and in the way which was most valuable, though the noble Lord, the Secretary for Ireland, paid little attention to it in his bill—from the increasing industry, economy, and independence of the population. There was another point which deserved attention, and that was the condition of the present electors. At present it was a matter of pride to possess the franchise. Was it fair to swamp the constituency who now enjoyed it by a mass of voters of a totally different character? For it had been clearly proved, that this measure would produce a much worse class of voters than the forty-shilling freeholders. The forty-shilling freeholders were obliged to have something of an independence, but the proposed constituency need not have one shilling of an independent interest. He thought that the proposed principle would altogether pervert the test of independence, and, therefore, he never gave a vote with a clearer conviction of its justice than he should in opposition to the present measure.

Viscount *Morpeth* said, that among the many objections which the noble Lord opposite, the Member for North Lancashire, had urged against the details of the bill which he had the honour of introducing to the attention of the House, there were two charges which the noble Lord had brought forward as against her Majesty's Ministers, and which rather partook of a personal character. The noble Lord had accused them, in the first instance, of having, in their proposal of this measure, and in the policy they had pursued upon the questions of the elective franchise and the law of registration in Ireland, unsettled men's minds, and produced disturbance with respect to the working of the elective franchise. He must own he thought, that in that particular they had still something to learn from the noble Lord; for whatever other eminent qualities the noble Lord might possess, it was certainly not as a settler of disturbances, or a peace-maker, that he was particularly distinguished. He talked of the Government having made the cauldron boil out, but it seemed to him (Lord *Morpeth*) that, on this occasion, the noble Lord's was the hand which had thrown in the most noxious ingredients, and evoked

the busiest and most potent phantoms of mischief. The noble Lord next charged them with having brought forward the bill on false pretences. That was a harsh assertion, which he hoped, by their adherence to the main provisions and principles of this measure, and by their successful pursuit of them, they should do their best to disprove. The noble Lord had constantly talked of their proposition with respect to the settlement of the qualification for the elective franchise being a mere tack and postscript to the rest of the measure. He considered it a main and essential ingredient in the measure, which constituted the only hope of bringing the questions involved in it to a satisfactory and final settlement. He believed that while the electoral franchise was left as it was at present, any interference with the subject of registration must be a mere delusion and a mockery, and a greater fraud upon the public than any which it professed to remove. The noble Lord had said, that, until his own bill had been carried through a second reading last year, neither he, nor any of those who sat opposite, had heard of any definition of the franchise. [Lord Stanley did not say so.] He had taken down the words. The noble Lord had said it was not until after the second reading of the bill of last year, that he had first heard of the definition of the franchise.

Lord Stanley said, he had not made use of the words.

Viscount Morpeth had, he repeated, taken down the words at the time. The noble Lord might have wished to convey a different sense to his words, or these words did not express what he meant; but of this he was perfectly confident, that the noble Lord had said, that it was not until after his own bills had been carried through a second reading, that he had heard of a definition of the franchise; whereas it was notorious, that in every one of the bills in previous years that had been introduced by his right hon. and learned friends—in every one of them without exception, a definition of the franchise was specifically included, and that, too, as an essential part of the measure, without which there could not be proper nor just legislation. When, too, they made their proposition of last year, so far was it from being considered as a tack or a mere postscript to the measure itself, that he had stated, and that too with the cordial approbation of those who supported his bill,

that without a definition of the franchise, the appeal against the franchise could not be conceded. The noble Lord had indeed asked them why they did not bring forward this matter in a manly manner. The hon. and learned Member for Coleraine (Mr. Litton) had repeated that taunt—and he, too, had also asked the Government that question. Now, he must own, that whatever objections might be urged against them, he did not think that they would fairly be liable to objections on that ground. Whatever might be the errors that could be imputed to their measure, he did think, that at least they could say that theirs was a distinct proposition, unambiguous, open, and of a manly character. It was quite consistent with the noble Lord's ingenuity—an ingenuity that he was sure to exercise in criticising this measure—to bring forward, as connected with this bill, the question of the English and Scotch Reform Bills, and the franchise as defined by them. He did not feel called upon to enter into the discussion, that the noble Lord provoked as to the English and Scotch franchise. In his opinion, the subject then before him was quite sufficient. But if he wanted a precedent for addressing himself to the Irish part of the question exclusively, and leaving untouched the English and Scotch part of the question, then he found the precedent set to him by the noble Lord himself, and in the very bill which the noble Lord had himself introduced. Whereas it was notorious, that there were many imperfections and considerable abuses in the system of registration as established in England and Scotland, which were things that had been quoted, that were still used by hon. Gentlemen opposite in illustration of their own arguments, yet the noble Lord addressed himself to the question of Irish registration exclusively, leaving the English and Scotch systems, with all their imperfections on their heads, to shift for themselves. It was plain that there was no material ambiguity in the construction attached to the interpretation of the beneficial interest qualification in England, while it was in Ireland, and in Ireland alone, that the practical ambiguity prevailed; and the attempt now made was to put an end to that which perverted, perplexed, complicated, and embarrassed the whole system of registration. But was there no difference between the English and the Irish qualifications for the franchise? The noble Lord had represented the Government, as being guilty of monstrous par-

tiality towards Ireland. The noble Lord had accused them of giving to that country qualifications that were unknown to any country, and that exceeded the notions, that the most visionary Radicals had ever ventured to form. In this representation of their conduct the noble Lord had been followed by the hon. and learned Member for Coleraine; but when it was said, that they were about to confer a large franchise on Ireland, that was not enjoyed by the people of this country, those who put forward the accusation must leave out of their consideration the 40s. franchise now enjoyed by the people of England, and that had once been enjoyed by the people of Ireland. But when it was said, that this was a partial measure—when they were accused of giving to Ireland a more expansive and liberal measure than that which was now possessed by England, he believed that there was not a Liberal on his side of the House—there was not a partizan of the Irish party, who, in lieu of this measure, if offered the English franchise, with all its restrictions in point of value and tenure—there was not one of them who, if he had such an offer made to him by the noble Lord, would not gladly accept the proposition in lieu of this measure; and in that case, he believed the noble Lord would be looked upon as a much more liberal statesman—a much more promising disciple of the movement than any one of the Ministers. He believed, that the noble Lord and hon. Gentleman opposite, by a course of that description, would outbid him in the market; and knowing this, he could not give them credit for believing, that he proposed better or more advantageous terms to the people of Ireland than those that were now enjoyed by the people of this country. The noble Lord had alluded to the superior advantages, that, under the Irish Reform Act, leaseholders in Ireland had over those of England; but the noble Lord had omitted out of his view the proportion of freeholders that had been disfranchised in Ireland. In the very first measure of conciliation that had been proposed—that measure with which the name of the right hon. Baronet opposite (Sir R. Peel) was so honourably identified—they found, as its concomitant, the disfranchisement of 191,000 voters. This, then, was an ingredient that ought not to be omitted. The noble Lord had quoted some expressions of a speech of his when the proposition was made in 1839, for bringing in a

bill to assimilate the franchise between the two countries. It was true that he had opposed that proposition, and he did not conceive, that in bringing forward this motion his course was at all inconsistent with the refusal that he had then given to effect an identity between the elective franchises of the two countries. He might add, that his language on the occasion referred to any impression that his subsequent proceedings could have a tendency to falsify. It was to him then some consolation to find, that he did not give rise to any expectation, that he was not prepared to realise and to carry into effect. The noble Lord had said—and it was that, he owned, which could be urged most plausibly against them—that they were now calling on the House to legislate, without giving them full and satisfactory information. He could say, that he was most anxious to give them all the information, of which he was in possession; and this he did, whether it were thought to bear against him or not. Whatever it was, it was laid on the Table of the House, so as to be brought within the cognizance of hon. Gentlemen. When this subject had been mooted before, he had referred to the opinions of the hon. Member for Monaghan, whom it certainly seemed difficult to please in so doing. He had read the speech of that hon. Gentleman without gloss or comment, as it seemed fully to bear out the object for which he had quoted it, namely, that the hon. Gentleman approved of the principle of founding the elective franchise on some footing independent of the oath of the elector. That hon. Gentleman had also referred to the proceedings of the hon. Member for Mallow (Sir D. Norreys), as not being in his favour more than the hon. Gentleman's own principle. The bill of the hon. Member for Mallow adopted the principle of making the test of qualification independent of the oath of the voter; and doing the same thing, he considered that he had the sanction of those two high authorities. The hon. Member for Monaghan said, that he would take the test here proposed, subject to the deduction for rent; he might consider the result of that condition hereafter, but whatever might be the other means employed, it was plain that the adoption of a rated test was a proposition that had been urged upon them by others before they brought it forward themselves. He had himself always distinctly notified his assent to the principle, he had said that he cordially approved of

this; that the test of qualification should be grounded on the Poor-law. He had also heretofore expressed his opinion, that the time was not yet ripe for the application of this principle until the Poor-law had been universally applied, and that until it was so applied, and the rates levied, and appeals decided, they could not legislate with full advantage on the subject. But then the noble Lord came forward, and said why did the Government now call upon the House to assent to this proposition? He would like to know at whose door did this charge mainly lie? To whom was the necessity of present legislation mainly to be attributable? He had said in previous years that the time was not fully come for this—that the Poor-law ought to be for a longer time enacted, and more widely diffused throughout Ireland, and the effect of the valuation more fully known. This statement had been before made, but it had been disregarded. It was said by those opposite that the existing system was a system of fraud and perjury, and that the Ministry profited by it, and had no desire to remedy it. But hon. Gentlemen opposite, and the noble Lord particularly, were not content with accusing them of a want of alacrity in bringing their measures forward; but they must have in addition to this a measure of their own. The noble Lord was tired of his long period of inaction:—

“No joys for him pacific sceptres yield,
War sounds the trump—he rushes to the field.”

The noble Lord sighed over the recollections of his Arms Bill, and his Coercion Bill. The noble Lord challenged them to this fight—he made it impossible for them to remain longer passive spectators of his forays and incursions in the demesne of legislation, and his ravages on the national franchise. As the noble Lord had thrown down the gauntlet, they did not shrink from taking it up. Fraud, and trick, and artifice, and every sort of perjury were the favourite terms and frequent charges urged against them on the opposite benches. These were the charges most frequent in the mouths of those Purists on the opposite side, for the notion, that a Parliamentary seat could be unfairly obtained, seemed to sit heavily on their souls. What was it then that happened? He brought forward a bill, which, putting out of view the nature of that proposition that referred to the franchise itself, was to rid them for ever of trick, and fraud, and perjury; or, in

the words of the hon. and learned Member for Coleraine, that he found to be graphic upon this occasion, under which—“fraud, personation and perjury should be no more.” This was the principle of a bill thus described that was tendered for the acceptance of hon. Gentlemen opposite. This was the principle which had been upheld and wished for, whatever else might be their views, by those who professed in the country the same principles as hon. Gentlemen opposite. It was the principle sanctioned and approved by the witnesses that hon. Gentlemen opposite had themselves brought before the committee on fictitious votes. The hon. Member for Halifax (Mr. C. Wood) had already quoted the evidence of Mr. Fosberry, a barrister-at-law, employed by the noble Lord to superintend the Irish Registration Act, and who was stated to be a Conservative in politics. This was the opinion he gave on the matter:—

“Then from what you observed in the course of that long inquiry, you conceive that it would be desirable to have some other test of value besides that of the oath of the party, or the oath of other witnesses? Unquestionably; I was always of that opinion, and said that it would be preferable to take the payment of the county cess as a test, than the 10*l.* value.—The payment of county cess, though not a good test, would be much better than the other mode—that is, any self-controlling check; a check by which the interest of the party, in reference to the value, is set against the interest of obtaining the franchise, would be the most satisfactory test? Yes; a certain pecuniary test of payment arising from his tenure.—Then if any uniform rate was established throughout the country for a certain purpose, such as the Poor-law, should you consider that would be a desirable criterion by which to ascertain the value? Certainly it would be a fair test to judge by, and it would prevent a great deal of false swearing.—And a great deal of uncertainty? Yes.”

The same thing was said by Mr. Courtney, the agent of Lord Lorton, and a near relative to the hon. Member for the University of Dublin.

“Mr. Courtney does not think that taking the man's own oath is a good or politicsystem, either to the prevention of perjury, or to the obtaining a sound constituency; and in the place of it he proposes that the holding, out of which the claimant seeks to register, should be viewed and valued by the county-cess collector, and that the voter himself should not be tested as to the value of it. Nor his neighbours, who swear for each other. And put a value upon land outrageously beyond anything that could be obtained for it; double the rent, and beyond double the rent that could be obtained for it.”

It was in pursuance of these opinions, and using the experience that had been acquired in Ireland on the present working of the system, that they had brought forward this bill for effectually removing these evils. This was done by those who were said to be the suborners of perjury; but what had they on the opposite side—they who vaunted to be the enemies of perjury—what had they done? The noble Lord had brought in a bill which, besides other objections, besides being a bill of a most arbitrary character, and containing some most arbitrary restrictions, besides being encumbered with operose and cumbersome machinery, was so far from going to the main sources of the evils that existed, from shutting the door against perjury, fraud, doubt and dispute, and thus effecting the specific object which it professed to aim at, that he truly and unaffectedly believed the real practical effect of the bill would be to increase and aggravate those very evils which it was ostentatiously brought forward to remedy. In the first place, the bill of the noble Lord left the main point of doubt and dispute wholly untouched. All the disputes that occurred in every registry court in Ireland—all those matters that were subjects of protracted and painful inquiry before committees of that House, whatever might be the allegations of the petitions, almost uniformly turned upon the subject of value, a subject which had not only divided Parliament, the bench, and the bar, but had made itself felt in every registry court in Ireland, and before every parliamentary committee that had sat to inquire into the complaints of petitions from Ireland. It was impossible to take up a newspaper without perceiving the lamentable difficulty, the dead lock in the administration of the system that had occurred since those disputes had arisen. Since he had laid his bill on the Table of the House, a speech had been made by a learned judge, which was in effect an answer and attack upon the judges for their opinions and conduct with reference to the same subject, and he would ask the House, was that a satisfactory state of things? But the bill of the noble Lord would leave this state of things utterly untouched and unremedied. The noble Lord having an uncertain thing to establish, made the mode of establishing it subject to all the abuses, doubts, and uncertainties, that had hitherto been so loudly and justly complained of. The franchise proposed by the noble Lord, uncertain in itself, was to be established by the oath

of the party interested, and by the conflicting testimony of adverse witnesses upon the subject of value, a subject in itself of the most delicate and difficult character, even when there was no intentional fraud or deliberate perjury. This might be illustrated by a thousand passages, but he would only read one from the report of the fictitious votes committee of 1837. It was taken from the evidence of a registering barrister, and was as follows:—

“There were a great number of persons produced as witnesses—so many, that in many cases the contrariety of swearing was so great, that it depended more upon the probability of what was sworn than any actual test of truth; they started up from all sides if you discredited a voter, and said you did not think he had sufficiently proved his value. It is necessary to state I first examined the claimant myself, and if I was satisfied of what he swore, I said, ‘I was satisfied with the person.’ Then the counsel cross-examined him, and afterwards evidence was brought up in every case in which it was necessary to support his vote, and a great number of persons very often came forward from both sides of the court, saying, ‘I will give 10*l.* for his freehold, I will give 10*l.* for his freehold,’ and jumped upon the table, when they swore to the value. I have had in some cases ten or twelve witnesses, and the greatest contradiction between them, so that in many cases I was obliged to decide upon the probability of what was true rather than upon the swearing on either side. There was the most direct contradictory swearing. In many cases I tried, a great many of the claimants themselves came forward under the impression, and you could never divest them of the idea, that the actual value was what it was worth to the individual himself. The man thought the farm upon which he lived was worth a great deal to him.”

He did not think that all these proceedings necessarily involved perjury, but it showed the endless conflicts and differences that existed on the subject of value, and these the bill of the noble Lord took no steps to remedy. It was true that the noble Lord's bill imposed many restrictions, and conjured up many difficulties, in the way of obtaining the franchise, either fairly or unfairly; and what he complained of was, that the bill, in a great many instances, would effectually drive away from the registry many an honest and *bona fide* claimant, as well as the unqualified person, and he would go further and say, although it might appear paradoxical, that in many instances the bill of the noble Lord, encumbered and complicated as it was, would deter and disfranchise the good and fair claimant,

even far more the dishonest and pretended claimant. He said so for this reason, that persons of the latter description, either from a hope of gain, a love of speculation, or a brazen disregard of consequences, would encounter the risk of the ordeal proposed, but a host of honest, well-intentioned people, although perfectly qualified, preferring an easy life, would not run the gauntlet through all the snares and pitfalls which the noble Lord's bill would establish. The noble Lord in his speech seemed to impeach the rating which he (Viscount Morpeth) proposed even as the basis of qualification, and the noble Lord contended that some of the documents furnished by him invalidated the authority of the Poor-law valuation. If that valuation pretended to establish one exact uniform scale of taxation, he admitted, that in that light it would be liable to some such exception. Human legislation seldom arrived at exact precision and uniformity. He did not conceive that an uniform and unerring scale of precision was necessary to establish a rating as the basis of qualification. What was wanted as the basis of qualification was that which would present on the face of it some fixed and staple sum, uniform, certainly, in its effect, over a large, contiguous district, and not materially differing over any part of the country in its effect, something that should present on the face of it a fixed and ascertained sum, settled upon distinct and independent grounds, uninfluenced either by the caprice of the landlord or the breeze of popular favour. Such a basis, upon the whole, he thought, would be found in the Poor-law valuation. He did not contend that it was free from exception. He did not contend that it would satisfy all conditions. He knew that many plausible objections might be urged against any proposition that could be brought forward, but, upon the whole, he did not believe that they could take any test that would prove more effectually than the Poor-law valuation the existence of a certain stake in the country, whilst it prevented the possibility of doubt as to the person of the voter, and thus utterly excluded personation, false testimony, and perjury. It must also be remembered that any incorrectness, informality, or departure from the spirit and letter of the Poor-law in the valuation seemed uniformly to have had the tendency of raising, not lowering the qualification. It was said, that by coupling the franchise with the rating, they would be giving a motive to parties

to submit to excessive rating; but he believed that the desire to escape taxation would be found to operate almost invariably far more strongly upon human nature, and more especially upon the nature of tax-payers. Respecting the rating of 5*l.*, it was quite plain that, whether a period of ten or five years was proposed in the Poor-law Continuance Bill, or whether the qualification was to be 10*l.* or 5*l.* in a franchise bill, the committee, and not the second reading, was the fitting stage at which definitively to fix such points as either the duration or amount; but he had no wish to conceal the reasons that had induced him to adopt the sum of 5*l.*, nor had he yet heard any reasons that disposed him to recede from that proposition. Having, as he stated, made up his mind that it was expedient and proper, with a view to obviate and render impossible of recurrence the evils complained of, he had adopted the Poor-law rating as the basis of qualification, and it then became incumbent upon him to fix some amount, which in his opinion, should give a fair equivalent, and afford a reasonable evidence of the franchise as intended to be conferred by the Reform Act. Of course any precise and unerring correspondence was out of the question, even if they were possessed of all the information that in time might be expected to come to hand. They could only avail themselves of such information as could be procured, and they found that if they had recourse, as might in the first instance have suggested itself, to a 10*l.* rating, in all the unions respecting which they had had access to any information, a rated value of 10*l.* would have had the effect of disfranchising a very considerable number of those upon all sides of politics who were perfectly and fairly entitled to be placed on the electoral roll. It was therefore clear, that a rating which should give a fair and reasonable equivalent for the franchise which he believed to have been contemplated by the Reform Act, must range below 10*l.* They found also, that there were many registered electors whom a rating of 5*l.* net value upon a poor-rate valuation would exclude from the register, and also that a rated value of 5*l.* generally gave possession of six or seven, and, in certain circumstances, of eight or nine acres of land. Taking into consideration the effect of the valuation, wherever it was ascertained, it seemed to have been considerably lower than the rent, which a rated inhabitant actually paid, or than the rent

which any solvent tenant would be willing to undertake to pay. He thought it a very fair, he would not deny that it might be called a liberal, but he did not think it an inordinate equivalent for the present franchise to take a rated value of 5*l.* for the franchise contemplated by the Reform Act, as carried into effect by the persons who acted under the appointment, and under the superintendence of the noble Lord opposite, when the noble Lord filled the office, which he had now the honour to hold. With respect to the gloss that had been put upon the franchise subsequently by some of the Irish judges, he would refer to the effect which it would have upon the registered constituency of Ireland, to the evidence given by the valuator of the union of Longford. It would be remembered, that according to the decision of the judges in Ireland, the present definition of the franchise required a holding for which a solvent tenant would pay 10*l.* in addition to the rent. Now, the valuator of the Longford union stated, as the result of his experience, that he seldom met with instances where a solvent tenant could pay 10*l.* more than his rent; and he further stated, that if the valuation under the Poor-law was taken as the standard of value, and the rating was to be subject to the deduction of the rent, the result would be the total destruction of that class of voters, whose qualifications arose from tenements in their own actual occupation. He owned, that he recoiled from a proposition which should have the effect, directly or indirectly, of raising the elective franchise in Ireland. In addressing the House the other evening, he quoted some comparative statement of the number of the constituencies in this country and in Ireland, and his object in doing so was perhaps misunderstood; it was certainly misrepresented. He never attempted to convey that they ought to place the qualification upon the basis of mere numbers, or to recede from the principle of the Reform Bill, but he showed, from authentic documents, a glaring disproportion between the electoral bodies in England, Scotland, and Ireland, when it appeared, that the ratio of voters in England was one in eighteen and-a-half, in Scotland, one in thirty, and in Ireland one in seventy-seven. The hon. Member for Monaghan said, he would not enter into these calculations, but he would tell that hon. Member, that if they were to have an electoral body at all answering the purposes of the British constitution, there must be some termi-

nation to the doctrine of utter extinction. He did think himself called upon to enter an emphatic protest against the notion of introducing or of consenting to the introduction of any measure which should tend, directly or indirectly, to raise the elective franchise in Ireland, or to pare down her contracted, and, in spite of what had been said to the contrary, he would maintain, her fast-diminishing constituency. The noble Lord had said, that the present bill would have a tendency to prevent landlords giving leases; and the noble Lord had also dwelt upon the relative duties of landlords and tenants, but his observations upon this subject, he (Viscount Morpeth) must own did not seem to him to have been conceived in the best spirit of constitutional freedom, or to be such as he should have expected from a person, who in his day, had done such distinguished service to this cause as the noble Lord. He did not object, because it was impossible to counteract the natural feelings in the human bosom; he did not object to landlords hoping or expecting that their tenants would vote according to their own predilections, but he did object to their harbouring any feelings of resentment against those who did not so comply with their desires. Did not the noble Lord wish to bring the electoral franchise of Ireland to this pass, that the electors, whatever injustice or wrongs they might experience at the hands of their landlords, should merely reflect and re-echo the sentiments of whatever might be the dominant party in that country? The noble Lord had said, that, when matters came to this point, he should be ready to give his consideration to the case; and he was glad to find that, in spite of the noble Lord's horror at the sacrilegious hand with which they had approached the sacred ark of reform, there were circumstances under which they might expect the noble Lord to co-operate with them in revising and remodelling that enactment. But the noble Lord said, that such circumstances of necessity did not exist at the present moment, that the landlords of Ireland did not withhold leases to any such extent as to diminish considerably the number of electors; that the constituency was not dwindled down to such an extent as would render interference necessary. The document upon which the noble Lord relied for this view of the case was a return laid on the Table of the House in the course of the present Session, being a state-

ment of the number of electors in Ireland, and the noble Lord had said, that the constituent body of Ireland was materially increased during the last year; that it had been formerly 50,000, and at a later period 80,000, and that now it amounted to 99,000 persons. But the noble Lord, in making this estimate of the general result, had overlooked a very material fact which he might have taken into his calculation if he had consulted the different headings of this return. The noble Lord overlooked the fact, that this return represented the electoral body of Ireland, as it stood before the expiration of the registration of 1832, and that since the date of that return every one who was registered in 1832, and who had not since renewed his franchise, no longer formed part of the constituency of Ireland. Before the noble Lord founded arguments upon facts of this kind, it behoved him to be convinced of their accuracy, and of their applicability to the actual state of things. But, as he had already stated, the statements upon which the noble Lord relied, and which had been quoted by the hon. Member for Monaghan, were taken from that column in the return giving the total number of voters in Ireland at the date of the return, namely, the 25th of February, 1840, at which time, as he had already observed, the registration of 1832 was still in force; however, at the moment he now addressed the House, the franchise of all the voters on that registry, unless subsequently renewed, had expired. It would not be long before the House would have ample practical illustration of the altered state of things at the present moment; on the 1st of February the numbers were made up of all those who were now entitled to vote in Ireland. Now, from information with which he had been furnished, it appeared, for instance, that in Cork, where the elective constituency on the last return was 5,738, it had now dwindled to 3,795; and, in Tipperary county, the constituency had fallen from 4,143 to 2,463. With respect to two other counties, he had returns of a similar character; though not from quite so authentic a source, from which it appeared, that in Queen's County, the constituency had fallen from 2,536 to 1,689; and in Roscommon, from 2,192 to 1,059. Stress had been laid by the noble Lord upon the manner in which it was proposed to deal with the town franchise. He would admit that the same ambiguities of construction did not prevail as to the qualifications for

voting in cities as in counties; and, therefore, that there was so far a less imperative call for a remodelling of the system in the one case than the other. But, at the same time, most copious and abundant evidence would be found in the evidence of the Fictitious Votes Committee, to prove, that disputes about many points connected with value, equally involved the franchise in great towns as in counties. In ascertaining the franchises of towns, there was the same evidence to go upon, namely, the oath of the voter, and the conflicting testimony of adverse witnesses. The proportionate scale of expence, and living in this country and Ireland, would of itself tend to reduce the discrepancy which the present proposal would at first sight appear to introduce in the respective amounts of the qualification for the two countries, and he thought that as they would now have the means of ascertaining and fixing the franchise upon the same uniform principle, it would be better to apply it to the towns as well as to the counties. Now the grounds upon which he would earnestly hope the House would sanction his measure instead of the noble Lord's were these; his bill would remove doubt; it would put an end to all disputes; it would meet and remove all the evils and abuses which were now most complained of; it would exclude all controversy, and counteract all those mischiefs for which legislation had been expressly invoked for Ireland; and would effect all this without incurring any of those embarrassments and drawbacks, which so often had been complained of in the system of registration for England. But there were some other points in which he must say he thought this measure was superior to the noble Lord's. He thought that it was much better that the voter should have facilities for establishing his claim before the same tribunals to which he had been accustomed to resort; and that he should have the opportunity of doing so once in a quarter. He thought the annual revision should be confined to new matter. He thought it better also, that the province of the appellate jurisdiction should be limited to matters of law, and should not include matters of fact which had been already ascertained; and lastly, he thought that the judges of the land ought not to constitute an appellate jurisdiction of this kind. These points, however, had been already discussed, and if this bill were allowed to go into committee, they could all be considered in detail. He hoped that the-

House, in passing its deliberate verdict upon these two rival measures now before them, would be so far guided by the spirit of the Reform Act of 1832 as to weigh deliberately the general features of the two measures in connection with the principle of that great enactment. He begged the House to consider these facts. The bill of the noble Lord would involve all voters, good and bad, all claims fair and fraudulent in the same series of obstructions, delays, appeals, and costs; subject them all alike to restrictions of every description, which would have a manifest tendency to impair a great and important public right, and must inevitably in the end pinch and pare down the elective franchise of the Irish people within wholly inadequate bounds;—and that whilst it did all this, it left all these points of dispute, all these prolific sources of discontent, all these mischiefs which had been so loudly and so justly complained of, wholly untouched, uncared for, and unredressed. On the other hand the bill which he (Viscount Morpeth) proposed, whilst it removed all that train of doubts and disputes which at present existed, and put in their stead clearness, plainness, and simplicity, went upon the principle of giving instead of denying facilities for the exercise of a great and beneficial public right, and did not shrink, if at the same time it comprised as a collateral means, some possible future enlargement to a popular franchise, which had been too cooped up and confined, and in some approach to equality in the condition of those who had at least always been called our fellow citizens, and fellow subjects. He was very far from wishing now, or on any other occasion, to use any language or to suggest any view which might be supposed to trench upon threat or intimidation. He would not, therefore, make any reference to existing circumstances, or to the times and scenes amidst which they were living; for sure he was, that the leaders on the benches opposite were imbued with a deep sense of the gravity of the subject, and the responsibility under which they laboured in having to adopt almost any mode for dealing with it, it would be enough for him now to hope and believe that the measure which he had introduced to the House, the principle of which commended itself to the deliberate judgments of himself and his colleagues, and the details of which were based, on the most accurate statements of facts which he could procure—was such

a measure as was suited to the present circumstances of the people of Ireland, and as would, if adopted, both on its own account, and as an evidence of the kind, and conciliatory feeling of the Parliament of this country, prove eminently auspicious to the future happiness of Ireland. It could not be denied, however the subject might be dealt with by the hon. Member for Coleraine, that great anxiety and agitation existed in Ireland at the present moment. He did not mean to say, that the people of Ireland were justified in entertaining such dark bodings and impressions of the views of the opposite party in regard to their interests; but, at the same time, truth compelled him to say, that there did exist in that country at the present moment a great feeling of soreness, of apprehension and of disquietude. He thought there were some words of old classical wisdom apposite to the circumstances. *Hæc Provincia, si ad belli utilitatem, si ad pacis dignitatem, retinere vultis, non modo a calumitate sed a metu calamitatis est defendenda.* He did not wish to talk of danger, or of a repeal of the union, for he knew what a concurrence of parties there would be to resist such extremities; but he thought a happier opportunity now presented itself for replacing feelings of amity for those of animosity and alienation which were but too fast growing up, for restoring confidence and for riveting the union with links more durable than law, more firm than force could make them, an opportunity, such as statesmen would do well to ponder, and patriots would not be easily tempted to despise.

Debate adjourned.—House adjourned.

HOUSE OF LORDS,

Tuesday, February 23, 1841.

[MINUTES.] Petitions presented. By Lord Denman, from London, and Swarkestone, for the substitution of Declarations in lieu of Oaths.

[POOR-LAW COMMISSION.] Lord Abinger presented a petition from Norwich complaining of the operation of the Poor Law Act, particularly as regarded the separation of husband and wife, and against some of the provisions in the bill for extending and renewing the Poor-Law commission before the House of Commons.

The Marquess of Normanby objected to the petition as irregular, on account of its seeking to have the new bill, now before the House of Commons, improved and al-

tered before that bill reached their Lordships' House.

Lord *Abinger* observed, that the petition only incidentally referred to the bill in the House of Commons, but in order to prevent any discussion, he would at once withdraw it.

Earl *Fitzwilliam* said, that before the noble and learned Lord withdrew his petition, he (Earl *Fitzwilliam*) wished to call the attention of their Lordships to a petition he held in his hand, and in which the noble and learned Lord opposite would feel considerable interest. The petitioners strongly objected to the duration proposed to be given by the bill in the other House to the power of the poor-law commissioners. They did not object to the duration, or even the establishment of a permanent office for the superintendence of the local boards, but they did object to those powers with which the commissioners were now gifted, and which appeared to partake almost of a legislative character. They thought, and in this he agreed with them, that the poor-law commissioners seemed to act like most persons in power, as if they were desirous to stretch that power to the utmost. They had recently issued an order, which he considered highly improper, namely, that the return of the guardians, when elected, should be made by the clerk of the union, instead of, as formerly, by one of the parochial officers. As the clerk was generally a person of legal habits, and the guardians, on the contrary, persons ignorant of law, the clerk would have a great advantage over them in the event of any dispute arising between him and them, or of his acting improperly. Residing in the centre of the union, he would exercise a control over the election of the guardians in the remotest districts. Such of their Lordships as had seen the bill brought into the other House would be aware that it gave power to the commissioners entirely to alter the form of the present unions as regarded three classes of the poor—the insane, the infirm, and the infant. Now, with respect to those three classes, the commissioners were to be empowered to alter the form of every union in the country, with the view, as it were, of calling those classes out of the present workhouses, and placing each of them in separate unions. With regard to the insane poor, he did not entertain much objection to the proposed arrangement; but, with respect

to the infirm poor, he had the strongest objection. It would be a great hardship upon those who were infirm from age, sickness, or accident, to remove them from the parishes and unions in which they had been accustomed to be taken care of. In reference to the infant poor, he did not carry his objection quite so far. There were many reasons which made it desirable to provide schools and asylums for a larger number than the workhouses could accommodate. The general prayer of the petition was, that the bill now before the House of Commons might not pass into a law. He apprehended, however, that the same objection that had been started against the reception of the petition just before brought in by the noble and learned Lord opposite would apply to the present petition.

The Marquess of *Normanby* observed, that the same objection would operate in point of form against their Lordships receiving the petition brought forward by the noble Earl. He (the Marquess of *Normanby*) had, however, listened to the observations of the noble Earl with the greatest attention, and could assure the noble Lord that all who were anxious for the good working of the law would be happy to receive suggestions for its improvement. He could not state at present what provisions he should introduce into the bill, but he would give the noble Lord's suggestions his very best attention.

Lord *Ellenborough* had not understood from the noble Lord whether the order alluded to was a general one, applying to all unions, or a particular one applicable only to some. [Earl *Fitzwilliam* did not know.] He thought it would be highly objectionable that the clerk of the union should have any influence over the election of the guardians. The clerk should be made to understand that he was the servant of the guardians. His opinion was, that the whole machinery of the Poor-law Bill would fail if there was any attempt to diminish the power or responsibility of the guardians themselves. It was only by giving them responsibility and power that good men would be induced to come forward and take the office.

Earl *Fitzwilliam* entirely concurred in the views expressed by the noble Lord. He suspected there were many unions in which the clerks endeavoured to become the masters of the guardians instead of their servants. He would take the oppor-

tunity of acquainting their Lordships that in many unions, where the population was great, the clerk had a fee of a farthing a head on a contested election in the parish in which it took place. Where the population was small the fee was increased to a halfpenny.

The Marquess of *Normanby* had no doubt that the order alluded to was a particular order. He believed there was no such general order.

ENFRANCHISEMENT OF COPYHOLDS.] Lord *Brougham* brought up the report of the committee on the Copyhold and Customary Tenure Bill. The committee had made many alterations, and had incorporated with the present bill a considerable part of the other bill on the enfranchisement of Copyhold. He believed that the proper way would be to move that the report on the first bill be received, and to move that the report of the other bill be put off for six months.

Ordered accordingly. Copyhold and Customary Tenure Bill to be printed. Copyhold Enfranchisement Bill put off.

DESTRUCTION OF PROPERTY (IRELAND.) Lord *Brougham* brought in a bill to amend the laws relating to the destruction of property in Ireland. The Irish act was the 15th and 16th of George 3rd., and it enabled persons whose property was injured in riots and tumults to recover in some cases against the barony, in others against the county. But there was also another act, the 19th and 20th of George 3rd., which formerly was supposed to apply to all the counties, and enabled persons whose property was damaged by burning, or whose cattle were houghed, to recover, under a certain amount from the barony, and above it from the county. Now, on account of the word barony used in that part of the act, it had recently been held, that the law did not apply to the county of the city of Dublin, where there was no barony. He could not doubt that this decision of the judges in Ireland was correct according to the wording of the act. But neither could he think, that it was the intention of the Legislature to except the metropolis of the country from the operation of such an act. The object of this bill, which he now begged leave to propose, was to explain the 19th and 20th of Geo.

3rd, and to extend its operation to the metropolis and its neighbourhood.

Bill brought in and read a first time.

CANADA—DELAY IN PRINTING ORDINANCES.] The Bishop of *Exeter* said it would be in the recollection of their Lordships, that on a previous occasion he had referred to the delays which had taken place in printing certain ordinances which had been laid on the Table of their Lordships' House. Having been then informed that the delay was caused by the Colonial-office sending a fresh order to be printed, the noble Lord near him undertook to make inquiry upon the subject, and he begged leave now to ask him if he had done so?

Viscount *Duncannon* replied, that the delay had been occasioned by the ordinance No. 129 being under the consideration of the law officers of the Crown. It had not therefore been laid before their Lordships. The rest of the papers then printed were taken back to the Colonial-office, in order that the paper in question might be inserted in its proper place. This caused a delay of eleven days, and to make up for it, he would undertake, on the part of the Government, that the ordinances should now remain on the Table eleven days longer than had originally been intended.

The Bishop of *Exeter* said, it was for their Lordships to say, whether they were satisfied with the noble Viscount's explanation, but, for his own part, he must beg to be excused from indicating the slightest symptom of approval of it. The noble Viscount had stated, that on the 29th of last month he laid certain ordinances upon the Table of the House, and moved, that they should be printed, but it unfortunately happened, that an ordinance which ought to have been amongst those laid upon the Table was not in its place, because it was at the time under the consideration of the law officers of the Crown. What course was taken upon this discovery? Instead of coming down to the House and informing their Lordships, that the ordinance in question had been omitted, and obtaining an order for its being printed among the rest, as it was the noble Viscount's bounden duty to have done, he smuggled it into its place, and now expected their Lordships to pass over such a gross act of indiscretion—he was unwilling to use a stronger word. [*Laugh-*

ter.] The noble Viscount laughed. He was glad the noble Viscount could find anything ridiculous in the matter, but he supposed the noble Viscount laughed at their Lordships' order, and the whole of their proceedings. According to the noble Viscount's explanation, the 129th ordinance had never been presented to the House—it had never been laid upon the Table until it was printed. This was a matter which ought not to be treated lightly. There had in this case been, he would not say negligence only, but a serious departure from that ingenuousness which the House had a right to expect. He wished to know whether the noble Viscount meant to pledge himself that the House should have an opportunity of addressing her Majesty relative to the ordinance in question within thirty days, dating from the 16th of the present month?

Viscount Melbourne did not believe that any injury had resulted from the mistake which had furnished the right rev. Prelate with the ground of his complaint. It certainly was a matter of regret that all the papers in the list had not been laid upon the Table of their Lordships' House at once. It was impossible to deny that there had been some little irregularity; but there was no pretence for charging his noble Friend with any want of ingenuousness; and he must say that the right rev. Prelate, in doing so, reminded him of those persons who were in the habit of accusing others of wanting that in which they were most deficient themselves. The right rev. Prelate greatly exaggerated the inconvenience which might arise from the irregularity which had occurred. The ordinance in question was not one of great importance, nor one to which the right rev. Prelate was likely to call the attention of the House. He (Viscount Melbourne) was desirous that the spirit of the act should be complied with, and that their Lordships should have the fullest opportunity for considering the ordinances, and to address her Majesty with respect to them if they thought proper. It would be impossible, by any agreement, as the right rev. Prelate seemed to imagine, to give to an address of their Lordships a force which it did not possess by law. The address must be made within thirty days after the ordinances were laid upon the Table. He spoke doubtingly on this point, however, and if it could be arranged, the thirty days should commence from

the time the 129th ordinance had been given out to be printed.

The Bishop of *Exeter*; That was the 16th of the month.

Viscount Duncannon begged to inform the right rev. Prelate that he had no wish to treat the matter with any undue levity.

The Duke of *Wellington* said the intention of the act was, to give Parliament a full opportunity of considering the ordinances issued by the Canadian government. The practice adopted had last Session given general satisfaction. If upon the present occasion a little delay had occurred, the right rev. Prelate had only to bring forward any motion he might think necessary a few days earlier.

Lord *Ellenborough* suggested that in future a copy of the ordinances should remain upon the Table, and another copy be sent to the printer.

The Bishop of *Exeter* wished to know distinctly whether the noble Viscount would undertake that the cabinet would advise her Majesty not to give her consent to the ordinances until thirty days had expired from the 16th instant.

Viscount Duncannon: Certainly.

The Bishop of *Exeter* said, he would not then trouble the House that night by presenting the petition of which he had given notice. He would present it on a future day, and state the grounds upon which the petitioners came before their Lordships, and thus afford an opportunity for considering the question before he submitted any motion on the subject. He gave notice that he would present the petition on Thursday, the 4th of March.

Lord *Ellenborough* said, that if the right rev. Prelate intended to bring forward a motion taking the same view of the question as the petitioners, it would be a great convenience to the House if he would allow some days to intervene between the presentation of the petition and the motion.

The Bishop of *Exeter* said that was his intention. He hoped, when he presented the petition, to hear the opinions of noble Lords on the question, and their opinions would, as they ought, have great effect upon his decision as to whether or not he should found any motion on the petition.—Subject at an end.

ADMINISTRATION OF JUSTICE—COMPENSATION.] Lord *Lyndhurst* begged to call the attention of the noble Viscount

at the head of the Government to a bill which it appeared by the votes was passing through the other House of Parliament—he alluded to the bill for facilitating the administration of justice in the courts of equity. He believed that the bill in question was in accordance with one which their Lordships sent down to the Commons last Session, but which was not passed. The present bill had been introduced by the law officers of the Crown, and was, therefore, to be considered a Government measure. He now addressed the noble Viscount for the purpose of calling upon him to take care that there should be introduced into the bill a clause for the purpose of guaranteeing adequate compensation to persons who possessed vested interests in the courts. He mentioned this matter now, because, as their Lordships were aware, no alteration of such a clause could possibly be made in that House. He was anxious for the success of the bill, and should be sorry if it were hazarded by any attempt, whether of accident or design, to commit an act of injustice.

Viscount *Melbourne* thought it was an unusual and extraordinary proceeding to address observations to him in that House respecting a bill in the other House of Parliament, and especially with respect to the money part of it. However, he could only say he would take care that a compensation clause should be introduced with respect to all who had a real right to compensation.

Lord *Lyndhurst* said, that there was no compensation clause in the bill when it went down to the Commons, because their Lordships had no power to insert one. He had spoken now as a matter of caution. Adjourned.

HOUSE OF COMMONS,

Tuesday, February 23, 1841.

MINUTES.] Petitions presented. By Sir Robert Peel, and Mr. Emmerson Tennent, from Belfast, and Athlone, in favour of Lord Stanley's Irish Registration Bill.—By Mr. O'Connell, Mr. Hume, Lord Morpeth, and others, from Donegal, Tyrone, Cavan, Dublin, and other places, in favour of Lord Morpeth's Bill.—By Mr. Wynn Ellis, from Rational Religionists of Leicester, for Inquiry into the Doctrine and Practice of Socialism.—By Sir Henry Smyth, from Withersfield, against the Grant to Maynooth.—By Sir Robert Peel, from Pattern Designers, for the Extension of Copyright in Designs.—By Mr. E. Ellice, jun., from the Presbytery of Kirkcaldy, for the Abolition of Church Patronage.—By Mr. C. Berkeley, from Cheltenham, for the Free Pardon of Frost, Williams, and Jones.—By Colonel Rawdon, from Monaghan, for an Ex-

tension of the Franchise.—By Mr. C. Berkeley, Mr. H. Berkeley, and others, from Cheltenham, Bristol, and other places, complaining of the operation of the Poor-law.

LAW OF EVIDENCE.] Mr. *C. Buller* said, if any opposition was intended to be given to the motion of which he had given notice, he would postpone it until some future day. It was certainly one of some importance, as it was for leave to bring in a bill to amend the law of evidence in certain cases. He thought it might possibly meet the convenience of the House were they to give him leave to introduce the bill, and take the discussion on it at some future stage.

Leave was then given to bring in the bill.

DRAINING OF LANDS.] Mr. *Handley* asked for leave to re-introduce the bill, which had already been before the House in the previous Session, for facilitating the drainage of lands in England and Wales.

Leave given.

TURNPIKE ACTS.] Mr. *Fox Maule* obtained leave to bring in a bill for removing doubts as to the construction of certain local Turnpike Acts, and for continuing until the 1st of June, 1842, or if Parliament shall then be sitting, until the end of the Session of Parliament, the Local Turnpike Acts for Great Britain, which expire with this or the ensuing Session of Parliament.

DANISH CLAIMS.] Mr. *Cresswell* said, he would not interfere with the adjourned debate of last night, and would, therefore, postpone the order of the day for the committee on the Danish claims to Thursday, the 4th March.

PARLIAMENTARY VOTERS, (IRELAND).] On the Order of the Day for resuming the debate on the Parliamentary Voters, (Ireland) Bill,

Mr. *Young* wished to offer a few observations on the bill of the noble Lord opposite, with respect to the accusation which had been so often brought forward, of a settled enmity being entertained by the party amongst whom he stood, against the peace and the liberty of Ireland. He would have hardly thought it necessary to take notice of what had been stated in the speech of the noble Lord (Morpeth)

last night, if he did not think the statements made in that speech were more suited to a discourse in some popular assembly than to a speech from an hon. Member to that House. He conceived that the History of Ireland for the last half century, was a sufficient answer to the charges of hostility to the Irish people brought against his party. Since the year 1788, they had founded their policy towards that country on principles of kindness and conciliation. Link by link the chains which bound the Irish people had been struck off; and he could not now discover the least difference between the condition of the Irish Roman Catholics and that of their Protestant countrymen. The statutes which had been passed of late years had been introduced in part by hon. Gentlemen on his side of the House, and the prosperity of Ireland was showing the wisdom of their policy. At the present day he saw no diminution of that good will. He found it stated by the right hon. Gentleman, the Member for Tamworth, when introducing the Catholic Relief Bill, that he preferred carrying out its details on principles of generous confidence rather than attempting to impair the value of the concession by any vexatious restrictions. He believed, that that was still the course which the party led by the right hon. Gentleman was willing to pursue. He remembered that it had been stated by the right hon. Member for Pembroke on the Irish Corporation Bill, that his party did not intend to act on a narrow and exclusive policy towards Ireland; and the right hon. Gentleman added that such an attempt could no more be carried into effect than the sun could go back from the dial. In that opinion he fully coincided. The noble Lord, however, in the course of his speech last night, complained of the effects which the bill introduced by the noble Lord, the Member for North Lancashire, would have on the interests of the majority of the people of Ireland. The noble Lord stated that the bill was full of snares and dangers which the most reckless only would be willing to encounter. If, however, it were true that the bill contained clauses of a restricted nature, those clauses could be altered in committee; and for his own part, he would not give his vote for any clause that could tend unduly to restrict the franchise, or to throw vexatious obstacles in the way of the claimant. But

the bill of the noble Lord opposite was not a bill merely for the purpose of amending the registration, but a bill to alter the franchise by placing it on a basis materially low, and one which he thought he should be able to show was not calculated to benefit either the agricultural or social improvement of Ireland—and one that, instead of conducing to the real independence of the elector, was calculated to injure it, and to prevent the electors from exercising a proper control over their representatives. He need hardly say a word on the question of the valuation which had been so fully discussed last night. That valuation made by the noble Lord's own Commissioners had not been made according to the provisions of the Poor-law Act, and was, in fact, a fraud upon the landlords in favour of the tenants; and instead of throwing overboard such a valuation, the noble Lord brought it forward as the foundation of his bill for giving an extension to the franchise. He thought the noble Lord ought at least to have laid aside his bill for a time, in order to see how that valuation would have worked. With respect to the question of the lowering of the franchise, most Gentlemen acquainted with the existing franchise in Ireland would agree with him that it would require eight Irish acres of ground, well cultivated, with a good house, to be held at a very low rent, or at no rent at all, in order to confer the franchise upon the holder, according to the beneficial interest test which he should throughout his argument assume to be the proper test for the conferring of the franchise. Now eight Irish acres were equal to twelve English acres. According to the report of the valuator of the Lurgan union, all the land in that union was valued at 1*l.* 5*s.* the English acre, therefore the 5*l.* value would confer the franchise upon the holder of four English acres; thus in the union of Lurgan the possession of one-third the land required at present would confer the franchise, and in the county of Longford the possession of one-half would produce the same effect. He thought that must be admitted to be a great lowering of the franchise. The evils of bribery were felt in the time of the 40*s.* freeholders, but he thought that those evils would be magnified by the provisions of the noble Lord's bill, for the franchise proposed by that bill was very little above that of the 40*s.* freeholders. With regard to the numbers

likely to be admitted under the franchise of the noble Lord, he found in that portion of the union of Lurgan, which contained the county of Armagh, there was 39,847 acres, the whole county containing about 128,000, and in that county there were about 22,144 tenements which would qualify their occupiers to have the franchise, while in that county the persons employing labourers did not exceed 17,000. Upon the point of what would best promote the social improvement of Ireland he begged leave to quote the opinion of a man who was much respected even by Gentlemen on the opposite side of the House, he alluded to Mr. Blake, the Chief Remembrancer of Ireland; it was given fifteen years ago, but he (Mr. Young) had, he believed, good reason to say, that he retained the same opinion up to the present time. Mr. Blake's opinion was, that by raising the franchise from 40s. to a 10*l.* beneficial occupation, the country would be much improved. That opinion was quoted with much approbation by Lord Hatherton when he, as Secretary for Ireland, brought in a bill to regulate the franchise for that country. Much had been said in favour of the Belgian system; but looking at all the recent writers upon the state of that country, it was proved that they were in a wretched condition; that after severe and incessant labour, and practising the most rigid economy, they were scarcely able to keep their heads above water. That system might answer in that country, which was still in a state of transition, but it would not do, and ought not to be attempted to be forced upon a people like the Irish, who had borne their difficulties and privations in a most surprisingly peaceable manner. They had recently added to these claims by a fresh title to the sympathy and good feeling of the people of England. No people had given more signal marks of resolution of purpose and energy of character than the people of Ireland in rescuing themselves from the evils of intoxication. He trusted that the reformation might be as lasting as its benefits were obvious and important. It was desirable that the constituencies should be sufficiently numerous, that when some particular subject inflamed the public mind, they should have sufficient weight in numbers and respectability to stem the torrent of popular violence. In the year 1784 it was the general feeling of the justice and sound policy of his mea-

asures that placed Mr. Pitt in power, and ensured the safety of the state. On another occasion of later date in their own times, which it was not very palatable to a Conservative to refer to—he meant the Reform Bill—he conceived that it was the constituencies who raised themselves in opposition to the aristocracy, and thereby probably averted the riots and bloodshed which would have ensued in the event of the measure having been rejected. In Ireland there were other influences besides those of the landlord. He would not enter into the details of that much controverted question, whether the political power which the Roman Catholic clergy of Ireland possessed was obtained by legitimate means, or was used for legitimate purposes; but this he would say, that firmly attached as he was to the doctrines of the Established Church—great as was the respect he entertained for the ministers of that church,—yet not even in their hands would he wish to see that vast amount of irresponsible political power which was undoubtedly wielded by the clergymen of the Catholic Church in Ireland. Now upon those considerations, and wishing to do what was fair and just, and looking to what was the present defective state of information on the subject of valuation, he felt bound to oppose the precipitate measure now sought to be introduced. When he looked to the amount of qualification granted by the bill of the noble Lord, and when he saw in that an index of the ideas of Government, he owned he felt apprehensions. It seemed to him that a step was taken in an entirely wrong direction, and contrary to the dictates of sound policy, and opposed to those anticipations entertained and held out to the country by the statesmen who changed the 40*s.* freeholders to 10*l.* freeholders. The measure of the noble Lord would destroy the political power of the country, by putting the elective franchise in the hands of a second-rate and less desirable class of persons. It would diminish the independence of the elector and increase the expense of elections, and would perpetuate that low and degraded state from which, under the influence of happier circumstances, the people of Ireland were steadily, though slowly emerging. If the great change so mysteriously prepared—so suddenly brought before the public—if that great change now proposed which went to unsettle all the

arrangements of the Reform Act and to alter even the Emancipation Act, should be adopted there would be no ratification so strong that would not be considered most easily changed on the slightest causes. He would, therefore, oppose the measure now sought to be passed into law.

Mr. *Smith O'Brien* said, from the admission made by the hon. Member, he thought the time was not far distant when he would be found supporting the extension of the franchise in Ireland. As regarded the tendency of the present bill, he denied that it would create an inferior class of voters, ambitious only of possessing political power, or that it would lead to a subdivision of property. In the earlier part of his speech the noble Lord, who led the attack on the measure last night, had resorted to the usual source of much argument—Hansard; but most assuredly the charge of inconsistency he had founded, on his reference to the Debates, against the noble Secretary for Ireland, came with a peculiarly ill grace from the noble Member for North Lancashire. The noble Lord himself was in many cases more open to the charge of inconsistency. The noble Lord had complained that a 5*l.* rent, and not a 5*l.* profit was adopted as the test for the franchise in the Government measure; but the fact was, that the Poor-law valuation in Ireland, was so low that if the profit test were adopted under it the Irish constituencies would be annihilated. All that the noble Lord had advanced against the valuation now going on, made in fact against his own side of the question; for the lower he showed that valuation to be, the more it established the fitness of a 5*l.* franchise. The noble Lord had ended his address to the House by quotations and arguments, to show that though the indisposition of the landlords to grant leases to tenants was one cause of the small number of the constituency of Ireland as compared with the constituency in England, yet that the main cause was the poverty of the country. The noble Lord could scarcely be ignorant of the value of property in Ireland, and he would, with the permission of the House, advert to that part of the country in which the noble Lord was a landlord. In Tipperary the population in 1831 was 402,000, and in the valuation by Mr. Griffith in 1832, the valuation of the land in that county was

886,439*l.* a-year, and he believed it would be found that the present number of electors in that county was not more than 2,000. The time had now come when the Government had fairly grappled with the subject, and he regarded the present bill as one that would amend the Irish Reform Bill. He considered that a bill which would settle the franchise, and would give a good system of registration in Ireland, would be productive of great good, and such a bill was the one now under the consideration of the House. All parties had admitted, that the present state of things was not sound. The question then came to be, was it not possible so to reform the basis of the franchise as to give satisfaction to all parties. Many attempts had been made of late years to effect that. Sir M. O'Loghlin, when in that House, had proposed and carried a bill which defined the franchise, but the consequence was, that it was thrown out in the Lords. The present Attorney-general brought in bills for the same purpose last year, but he found that there was not the slightest chance of his meeting with any support. The only thing then was to take a new basis for the franchise, and they had adopted that basis which had been most praised by the Conservative party, and more especially by the right hon. Baronet the Member for Tamworth, and the hon. and learned Member for Exeter. When they found that the constituencies of Ireland did not amount to one-half of the extent proposed by the authors of the Reform Bill; surely, then, it became their duty to place the standard for the franchise upon such a basis as would bring them to somewhere near that amount. He would take the county of Cork for an illustration; in 1834 the population of that county was 703,716, the value of land was 1,137,942*l.* and the constituency was about 2,000; apparently there were more, but making allowance for deaths and removals the number of the constituency would be found to be about 2,000, which gave only one elector to every 400 inhabitants. In reference to the valuation there was only one voter to every 500*l.* of rental. Was that the case in any county in England? For his own part he was of opinion that, keeping the tenure with the 5*l.* rating, the number of voters in the registry would be smaller than at present though the number of *bonâ fide* electors might be

somewhat enlarged. He was glad, therefore, the Government had erred on the side of liberality, if any error there was, and they acted wisely not to place the franchise upon a higher basis. At the same time he thought they would have followed out a more constitutional principle if the franchise had been granted to the tenantry of Ireland without reference to tenure at all. He did not think it wise in any country to give the landlords the power of withholding the rights of citizenship from the people. In that opinion he concurred with the Ulster Association; and he should say, in reference to the report of that association which had been alluded to by the noble Lord, that he had never read a more able and comprehensive document on the whole question of registration. He would add, that if the noble Lord followed the recommendations it contained, he could not be much at variance with the opinions entertained by hon. Members on his side of the House. He regretted, however, that the bill of the Government did not abolish the necessity for the payment of rates and taxes, with the exception of the poor-rates. He supported the bill heartily, because at all events, it accomplished one object—that of registration, and while, on the one hand, it removed bad votes, on the other, it afforded great facilities to obtain the franchise by all who were entitled to it. Registration ought, in the first instance, to be made as perfect as possible, in order that it might be final, and that the freeholders might not be exposed to vexation and expense. He objected to the duration of the poll in Ireland, and wished the law to be assimilated to that of England; but although more might have been included in the bill than he found in it, he was grateful to Ministers for its provisions, and gave them his hearty support. The noble Lord had said, that the bill never could pass both branches of the Legislature, but he (Mr. Smith O'Brien) could not believe, that a measure founded not so much in generosity as in justice would not be made the law of the land.

Sir Robert Bateson said, that it would ill become him, after the luminous exposition they had heard from his noble Friend, the Member for North Lancashire, to enter into any lengthened detail of the merits of the bill then before the House; but, nevertheless, he felt it his duty, as the representative of an intelligent Irish

constituency, to get up in his place and to prevent any misrepresentation of their sentiments, such as the House had heard during the last evening's debate. His hon. Friend, who had just sat down, had, as far as he could understand him, expressed a wish that there should be introduced in the bill of the noble Lord opposite, a clause providing that the polling should be taken as in England, in several districts at the same time. In this wish he cordially concurred with his hon. Friend—indeed he was anxious for it for many reasons; but as for the other argument his hon. Friend had used, he must say, that he was entirely opposed to it. He understood his hon. Friend to state, that the noble Lord the Member for North Lancashire had asserted that the landlord had, and ought to have, a right to thwart and control his tenantry in an unconstitutional manner in the exercise of the franchise. He had understood his noble Friend to say—and in the sentiment he cordially concurred—that in the state of society which at present existed, when there was a good, a kind, and a generous landlord, and where there were as a natural consequence happy and grateful tenants, the latter might reasonably be expected to go to some extent with the wishes of their landlord in the exercise of the franchise. That was what he understood to have been the meaning of his noble Friend. He fully entertained that sentiment; he thought such an arrangement must be beneficial to both parties, and that without it the intimate and friendly connexion which should subsist between landlord and tenant must be dissolved. He was proud to say, that in the part of the country from which he came such a state of things existed, and the tenant rarely exercised his franchise without consulting his landlord. At the same time the landlords did not, nor should he wish them to do so, attempt to control a tenant who conscientiously differed from them in political opinion. If a tenant were to come to him (Sir Robert Bateson) and say, "Sir, I am extremely sorry, but I cannot conscientiously vote as you do," he would call such tenant an honest and conscientious man, and would give him credit for his independence, and would desire him to exercise his franchise as he thought best himself. This was not, however, the state of things in another part of the country. He had that day received a

letter from Limerick, in which his correspondent said,

"You will hear it alleged, in the course of the debate, that the constituencies of Ireland are extremely small, in proportion to the English constituencies; and you will hear various reasons given for it; but I will tell you the real one—it is the unwillingness of tenants to register; because in so doing they bring themselves into collision either with their landlords or their priests."

It was further stated, in the letter, that a tenant came to a landlord, who wished him to register, and said,

"For God's sake do not ask me to register; I have the highest regard for you and your family, and am most anxious to oblige you, but if I do I must leave the country, for there will be an end to all peace for me and my family."

This was the sort of intimidation that was practised—the death's-head and cross-bones were held up to them, and they should quit the country, for it would be impossible to live in it with any comfort, from the dread of assassination on the one hand, and the denunciations of eternal punishment on the other. Under these circumstances, it was not to be wondered at, that landlords should refuse facilities for the extension of the franchise: this was what made the constituency so small as compared with the population, which had been so much dwelt on. The hon. Member for Halifax (Mr. C. Wood) had said, that all parties in Ireland were united against Lord Stanley's bill. Now, so far from that being the case, he was convinced that there was a great majority in Ireland in favour of that measure. He was quite sure that such was the case in the part of Ireland where he resided. The hon. Member of course knew that Ulster was one of the four provinces, and not the least important one, for intelligence, wealth, and respectability; and he could tell the hon. Member that the great majority of the people of that province had declared themselves in favour of the bill of his noble Friend the Member for North Lancashire. A petition had been printed in its favour on the former evening, signed by 90,000 persons, not one of whom was lower than a farmer, and every one of whom had affixed his own signature and place of abode. That was no petition originated at a hole-and-corner meeting, nor one to which signatures had been obtained by shutting the chapel doors and

compelling the people to sign as they went out. It was, in fact, a petition, the signatures to which comprised all the rank and intelligence in the north of Ireland, and represented a million and a half of property. This, he trusted, would be a sufficient answer to the assertion of the hon. Member for Halifax, that the people of Ireland were united against his noble Friend's bill. But this was not all. There would shortly be presented to the House a petition with upwards of 40,000 signatures, comprising the wealth and intelligence of the other provinces. The hon. Member for Limerick had referred to what was called the Ulster Liberal Association. This association some time since published a report approving of the principles of his noble Friend's bill. But since that time they had another meeting—a great meeting, as it was called—which consisted of eighty-five persons, who assembled in the town of Belfast, and styled themselves the Constitutional Association of Ireland. When these persons discussed the very bill which was now the subject of discussion, he believed there were eighty-five different opinions respecting it—so many, indeed, that the meeting separated without coming to any resolution. One gentleman was for universal suffrage, another for household suffrage—one for a 10*l.*, and one for a 6*l.* franchise; but he begged to remind the hon. Member for Halifax that no one even at that meeting went so low as a 5*l.* franchise. With the greatest radical among them 6*l.* was the lowest proposal. Why, a 5*l.* franchise under the proposed plan would in fact be lower than the far-famed 40*s.* freehold franchise, which had been considered on all hands to be the bane of Ireland. All the misfortunes of Ireland had arisen from the 40*s.* system. By it tenants were driven like flocks of sheep to the hustings, and were a class of voters which even the greatest liberals and patriots of the day were anxious to get rid of. He would tell the House a fact, and in doing so he addressed himself to English Gentlemen, who, he trusted, would look to the intrinsic merits of the bill itself, and not to the question of whether or not the existence of the Government depended on its adoption. In the heart of the county from which he came there were two large properties nearly equal in size and value. On one there were registered, under the old system, 1,200 40*s.* freeholders; while

on the other there were none, leases only being given for a few years. What was the result? At the time of the Reform Bill, the property which had been let at will, or on short leases, registered 300 10*l.* freeholders; while, on the other, only ten could qualify to that amount. This was a fact of which he was himself cognisant, and which fully proved the evils of a low franchise. This was a subject that ought not to be made a party question, but should be viewed solely as it regarded the good of Ireland. For himself, all his property and everything he held most dear, was in that country, and his only wish was to adopt the best measure to benefit his native land. With that view he supported the bill of his noble Friend. He had always felt that the subdivision of land, caused by the 40*s.* system, had produced misery in the population, and tended to create rack-rents, as the landlords were tempted to let their lands to those who bid highest with reference to their means of payment. For this reason, he deprecated any interference with the franchise; and he conscientiously believed that the bill of the noble Lord opposite would unsettle all the good that had been effected by the 10*l.* franchise. As to the question of the repeal of the Union, which had been used as a sort of threat, he could assure her Majesty's Government they need not have the slightest fear of that for at least half a century to come. In Ulster he knew that question had been silenced by the perseverance of the intelligent Presbyterian population, headed by that great and good man, Doctor Cooke—notwithstanding the pompous crusade that had been made into that peaceful part of the country with a view to the agitation of that question, and notwithstanding the military parade with which that crusade was attended—a parade of three regiments of foot, two regiments of cavalry, and six pieces of artillery—an armament that put the country to a great expense, and carried consternation into peaceful towns and villages which for years had not seen the face of a soldier. To return to the bill before the House: he was convinced that a great majority of the inhabitants of Ulster would deprecate its adoption as the greatest misery that could befall them. On the other hand, they believed, and in that belief he concurred, that the bill of his noble Friend would, with the adoption of an increased number

of polling-places, effect all that could be expected from a well-regulated system of registration.

Mr. *Carew* would request the indulgence of the House for a few moments, for the question which was at present in deliberation was one of such great, of such very great importance to this country generally, but more particularly to that part with which he was connected, that he could not, either in accordance with his own feelings, or with those whom he in that place represented, give a silent vote on that occasion. He should not detain the House very long, nor did he think it necessary, after what had been presented to the notice of the House that evening (and in the previous debate of last night) to enter into any minute details of the noble Lord's bill; but he would at the same time observe that amongst many of the evils attaching to the present system of registering electors in Ireland, amongst many of the abuses which called most loudly for alteration and improvement, and which characterised that system, intimidation, and he might add, in many instances, vexatious conduct towards freeholders, held a high and very considerable rank. He had known instances, they had come under his own immediate observation, in which substantial farmers had been kept waiting all the day in attendance at the registration courts, wasting their valuable time, and uncertain when their turn would arrive. He had seen these persons, after having undergone a great deal of unpleasant and vexatious cross-examination, return home without having effected their object, having oftentimes been rejected on mere technical, and it would seem (and it certainly did so appear to them) unimportant and vexatious grounds. What, then, was the effect of such a system as this? With such a system, could it be expected that freeholders would willingly come up to the registry court, and claim the franchise? Was it the case in many instances that they did so? He thought that it was well, he was afraid but too well, known to be the case, that, owing mainly to the cause to which he had alluded, a considerable degree of apathy existed among the freeholders in Ireland, accompanied with a disinclination to come forward and register their votes. He thought that the noble Lord's (Viscount Morpeth's) bill was calculated in an eminent degree to remove

this apathy, to obviate this evil, and to restore the registry to a wholesome and to a proper state; for the clear definition of the franchise, and the qualification of electors, as introduced in the noble Lord's bill, would not only open the way to a better and more equitable state of things, but extend to the freeholder what was of no less consequence to his claiming the right of voting, as it was indispensable to his personal comfort in preferring that claim, facility of registering. Illustrative of this subject he held in his hand an extract from a letter which he had received but a few days ago from Ireland, and which referred to this part of the system of registration. It was very short, but of considerable importance, as it came from the pen of a clergyman of the established church in the Queen's county, and who was himself an eye witness of what he described :—

"I cannot avoid communicating to you the pleasure which Lord Morpeth's views on the Irish Registration Bill have given me, and I feel the more pleased, because I have lately been a witness of the present system of registration in this country. With the intention of registering my vote, I attended the last sessions held at Stradbally, and I cannot convey to you any idea of the intense feeling of pain which the registry court system gave me. Without high colouring, it appears to me an arena in which the combatants were hard swearers, and the hardest swearer was, of course, victorious. The honest voter, the man who had experience of the worth of his land and property, and who had sworn to what he was thus so well qualified to know better than any one else, was quite put aside, and was rejected; nay, more, his fate was decided by the swearing of opinions."

This was what the rev. Gentleman said, and he would ask if such proceedings as these were not revolting to all religious principle, and destructive of all popular rights? For if the opinion of a valuator, sent out by a party oftentimes with a view to destroy a man's political privileges, was to obtain the ear of a court appointed to maintain those rights inviolate; and if a man's oath and the value of a man's experience were to become of minor importance in such a court, how were popular rights to be upheld? How was religious principle to be preserved? He did hope the House would not oppose the bill of the noble Lord. He did hope that the House would consider the state of public feeling in Ireland, and not throw out a

measure as calculated to conciliate that people as it was to place their franchise on a firm and on a popular basis. [*Cheers*]. If there ever was a time in which it was expedient for the House to conciliate the Irish people, it was the present. In conclusion, he would only observe that it was such a measure as that now before the House which practically showed to the Irish people the benefits which must accrue to them by living under a Government disposed to protect them and guard their rights inviolate. Such a measure as this, by fixing the franchise in favour of the people, and defining it in the clearest way, would ultimately put an end to a system of registration which he felt confident would more and more fritter away, and ultimately destroy the franchise, limited as it was, of the Irish nation.

Viscount *Howick* said, that the question which, as he conceived, the House was called upon to decide was, whether, in attempting to revise and to amend the system of registration as now existing in Ireland, they should also at the same time attempt a clearer definition of the existing franchise—not whether they were to adopt all the details which his noble Friend had introduced into his bill—not whether the right of voting there ought to depend upon a rating of the exact amount of 5*l.*—not whether by any given mode they were to adopt a particular amount of rating, as a test of the value of the property qualifying the tenant to vote; but simply whether they should in a manner hereafter to be decided, avail themselves of the assessment to the Poor-rate, in determining upon the claims of electors. That he repeated was the question which the House was now called upon to decide; because, with respect to those parts of the bill which merely regulated the method of registration, it had been made perfectly clear in the course of the present debate, notwithstanding the angry discussions of last year, and notwithstanding the party excitement which was then called into existence, that the system of registration proposed on both sides of the House were substantially and in their main features the same. He said so, because, whether he took the bill of his noble Friend opposite, or the bill of his noble Friend below him (Viscount *Morpeth*), he appealed to any one conversant with the proceedings in Parliament, to say whether by alterations of no greater

magnitude than were frequently introduced in the progress of important measures, it might not be so altered in committee, that the system of one noble Lord might be made to correspond with the system of the other? He would, then, as briefly as he could, and without quoting any documents or statistical returns, which had been already sufficiently referred to, address himself to the simple question, whether they ought, or ought not, when they were making an alteration in the method of registration, to attempt also a definition of the franchise? Without saying, that they were positively bound to reject any plan that might be brought forward for the improvement of the registration, simply because it did not also define the right of voting, yet he was prepared distinctly to express his opinion that it was in the highest degree expedient that they should if possible deal with both subjects at the same time, and in the same bill. Had any one in the course of these discussions denied that many evils had arisen from the want of a more certain definition of the franchise? The hon. Member who had just sat down, and who had given, in his address, such promise of future excellence, had read a letter which had strikingly and clearly developed these evils. No one denied that the present system was faulty. On one side they saw the tenant swearing that the land which he occupied was of such a value, as under the act would give him a qualification, and they too often saw the landlord or his agents swearing directly the opposite; they too frequently saw the upper classes of society pitted against the lower, one swearing that the land was worth the full sum, and the other that it was not. They had the declaration of one revising barrister, who was examined before the Fictitious Votes committee, that upon those occasions they found men springing up on the table, one after another, prepared to sustain upon oath, or to defeat, the claim of the voter. Then they had the decision of the barrister upon this conflicting evidence; if the decision was against the vote, they had a reference to a judge and jury, to decide the question upon the same conflicting evidence; and afterwards, if there should be a decision of an election committee in favour of opening the registry, they had the same conflicting evidence for and in opposition to the vote before a committee of the House of Commons. Was not that a state of things that was a disgrace to a

civilised country? Was it not an imperative duty imposed upon Parliament, if it were possible, to put an end to a system that was thus calculated to sap the foundations of peace and order in the country where it prevailed, which had such a tendency to destroy the sanctity of an oath, to array one section of society against the other, and to perpetuate the state of things that they had unhappily to deplore in Ireland? Would any one deny that these were the evils which flowed directly and immediately from the uncertainty of what did confer the right of voting? The right was determined by the value of the tenant's interest in the property he held, and the difficulty of ascertaining this value, by any definite principle or any intelligible rule had hitherto proved insuperable. Well, then, if that were the case, how were they to remove this uncertainty, how were they to clear up these doubts, how were they to make the question which the barristers had to decide so easy and so simple, as not to give any room for any contradiction of opinion, or any collision of oaths? How were they to accomplish an object which all admitted to be desirable? Could they clear up the difficulty of the construction put upon the words of the act of Parliament? Should they take the construction put upon those words by the hon. and learned Gentleman the Member for Dublin? Should they construe the beneficial interest, as meaning that the tenant could make 10% out of the land, including the value of his own labour? If they attempted to pass a declaratory act in that sense, every one knew that in the present state of opinion in that House and in the country it would be an idle task. But if it were otherwise—if it were possible to pass an act to this effect, he must acknowledge, for one, he could not approve of such a measure, he believed it would produce very bad consequences in Ireland, that it would create a numerous class of dependent voters, and thus produce the very consequences which the hon. Gentleman, the Member for Cavan (Mr. Young) had that night declared would flow from the measure then before the House. If they could not clear up the doubt in this manner, could they in the other? Could they pass a declaratory act, or introduce a clause into any bill for the amendment of the registration to declare that the meaning of the term "beneficial interest" should be as his noble Friend opposite (Lord Stanley) would desire—that it should mean that a solvent

tenant should be able to pay 10*l.* more than the tenant himself paid for the lands? Would even his noble Friend opposite, in the present circumstances of Ireland, propose to pass such a bill? He doubted whether he would. He was under the conviction that even his noble Friend's courage would shrink from such an experiment. Perhaps his noble Friend would say, "I will not recommend such a declaratory act at all, because the law as it at present stands is sufficiently clear, and the construction I contend for is the right one. I am ready to admit that, although I believe the intention of the framers of the Reform Act to have been very different, yet the strict technical interpretation which ought to be put upon the words as they stand is that which is given to them on the other side of the House." His noble Friend might say also, "The decision of the majority of the judges ought to be binding on the minority, and the assistant barristers are bound to take the law from the mouths of those who, by the constitution of this country, had the authority to declare it." Again he would not shrink from stating that in this respect also he concurred with his noble Friend opposite. He had not heard, without considerable dismay, the opinion broached, that the minority of the judges were not bound by the decision of the majority on points of law, for, if such a principle should be established, it must overturn the whole system of our jurisprudence. If that opinion were to prevail, the whole system of the administration of justice in England, in Ireland, and in Scotland, would crumble into dust; for it was an opinion which he believed undermined the very foundation on which that system was based. Such was his own opinion upon this point, but had he, or had his noble Friend, or had the House, the power of compelling others to act upon their views of this subject? He feared that they could not. But even admitting that they could force every assistant barrister in Ireland to decide that the "beneficial interest" should mean what a solvent tenant was able to pay beyond the rent paid by the immediate occupier—even if he admitted that they could compel every judge thus to explain the law when he left the question to the jury, still he (Viscount Howick) would ask, had they yet got rid of the evil? Had they got rid of the real cause for that contradictory swearing of which they all complained? Did the evil begin with the introduction of the terms "beneficial in-

terest?" Undoubtedly not; the complaint existed previous to the year 1829, when the forty-shilling freeholders were the voters; it existed between 1829 and the year of the passing of the Reform Bill, under the 10*l.* franchise: nay, so notorious at that time was the very same abuse which still prevails, that it was one of the arguments insisted upon in favour of the alteration of the words of the oath imposed upon the elector at the time of the Reform Act, that it was said the alteration would get rid of a great deal of perjury. He thought that the change did get rid of a great deal of the perjury, because under the words as they stood, and putting one interpretation on the law, the Irish peasant, whose maintenance depended upon the possession of his farm, and who had no other means of livelihood, might conscientiously take the oath imposed by that act even for the smallest holding. Much of the contradictory swearing, which now took place, was undoubtedly to be accounted for by the opposite sense in which the same words were used by different parties; but even if the doubt as to the sense of the words were cleared up, they could not expect thus to get rid of contradictory swearing, and for the reason that, after all, the question of value was a subject upon which opinions might honestly differ; it was a subject on which men's minds might differ within very wide limits, and all experience had shown that upon questions not depending upon matters of fact, but upon opinion and judgement, they could not expect evidence to be given upon oath with the strictness which every one would deem desirable. He would not repeat the charges against the Irish people and against their religion, which he had formerly heard with great disgust in that House, and which he was glad that he had not heard repeated in the course of the present debate. He did not attribute any peculiar want of veracity to the Irish people on account of the religion which the majority professed, but he said, that not only in England, but in Ireland, and not only in England and in Ireland, but in all countries and in all times, where the passions and interests of large classes were at stake, oaths and promises were barriers which were easily overleaped or broken through even by those who were in other respects men of honour and of integrity. There was no class of men who stood higher in the estimation of the whole world for probity and

integrity, than the merchants of Great Britain. Was not their character for these virtues recognised from one end of the globe to the other? Was it not known even among barbarous nations, and was there not a reliance on their good faith even among those to whom civilization had not yet extended? Yet, even this body of men, when the Legislature imposed upon their trade, in a mistaken policy, absurd restrictions, which were only to be got rid of by false oaths sworn at the Custom-house, broke through the trammels by which they were fettered, and Custom-house oaths became a bye-word for all that was worthless and undeserving of credit or regard, and their uselessness had at length become so notorious, and their abuse so well known, that the Legislature had wisely taken away the necessity of an oath altogether, which was to be made by an individual who had a direct interest in swearing falsely. But there was a case which was still stronger, and one which referred to a class of men on whom the sense of honour was usually deemed to be binding in the highest degree, and in whom sometimes the respect for that sense of honour was carried to an extravagant extreme—he meant the officers of the British army. And yet, was not every Gentleman aware of the fact, that officers of the British army, on purchasing their commissions, were called upon to declare, upon their honour, that they had neither, directly nor indirectly, given more than the regulation price? It was found that the imposition on them of this declaration did not check the practice which it was intended to prevent, but that that practice still continued: and a wiser policy was adopted, of putting an end to the necessity for a declaration the making of which only created an additional and a crying evil. With these examples before their eyes, and the experience of the past, how could he consent to vest the right of voting in Ireland on declarations with respect to the 10% value of property, which were to be made on oath in the way proposed? Was it not clear that even if they were to do this, the effect would be to produce a return to that state of things which had formerly existed in Ireland, that among the agricultural classes men would be found who, disregarding their oath, would not be thought to be perjured, but, on the contrary, would be deemed patriots, standing up for the rights and liberties of their countrymen, who would swear, with an

easy conscience, as to the value of their own or their neighbour's occupation? When passions were excited by the array of party, he knew not what chance they would stand of procuring their object, of preventing false oaths being given in obtaining their right of voting. Did they not know that election committees, sworn solemnly at the Table of the House, to administer justice between party and party, were not to be trusted with the administration of the law when they viewed the facts and the law brought before them through the medium of political partizanship? He thought, then, that if the argument which he now adduced to the House was well founded, the conclusion was irresistible, that it was necessary that they should adopt some test of the right of voting, so clear and simple that it might be easy to distinguish between truth and falsehood, that men might not be tempted by the vagueness of that to which they were to bear testimony to be guilty of deception. He might be met by the argument, that in England that which he had suggested was not found to be the case—that it was universally admitted that the leasehold interest was created by the amount of profit which the tenant fairly had after deducting the amount of rent due to the landlord. That was true, but the circumstances of the two countries were so different, that this did not invalidate his argument. In England, in the great majority of cases, the franchise did not depend upon a leasehold qualification; but there was either a direct right to the property, which was far more easily estimated than the surplus profit derived under the lease; or, there was a right by virtue of occupation, which was measured, not by the amount of profit, but by the amount of rent paid. Leasehold qualifications analogous to that which existed in Ireland, existed in England only to a very limited extent; and where they did exist, it was usually only in cases of leases for lives, or for long terms of years, on which it was clear that the tenant was provided with a qualification sufficient to give him a right of voting in the eye of the law. Then his argument was, that it was necessary to adopt some clear and more easily-ascertained test of the right of voting than that which was given by the surplus profit which the tenant derived after paying rent to the landlord. And what should that test be? Had any been proposed which was so simple—so little liable to evasion—so little

likely to lead to opposition of any sort—as that which might be adopted under some terms or restrictions, upon the basis of connecting the right of voting with the assessment under the Poor-law? He thought that the person who claimed the franchise, should, by so doing, subject the property from which the franchise arose to a corresponding burthen. When he said that this principle appeared to him the simple and obvious one which they should adopt, he was bound to say, that he did not think that, upon the information which was before the House, they were in a situation to adopt the measure as proposed by his noble Friend the Secretary for Ireland. He must state that when he had read the reports which had been laid upon the Table of the House, he was grievously disappointed as to the nature of the information which they gave. They appeared to him to be in the highest degree unsatisfactory, but he did not say that it followed from that admission that they should not now read the bill of his noble Friend a second time. It was true that he could not upon data so vague and uncertain establish the right of voting which his noble Friend proposed; because, although it was true that according to the valuation which had been made in the particular unions, of which they had an account, the right of voting might not be too largely extended; yet if they were to adopt the clause as it now stood, this, at least, was clear, that the right of voting created in different parts of Ireland would be of a very different character, although given by the same words. In Scariff for instance, there would be one right of voting and in Lurgan and Longford the right conferred would be of an entirely different character. And further than this it appeared to him that, as not one of these valuations, even upon the opinions of those gentlemen who had been sent to examine them, was, according to the terms of the Act of Parliament, they would probably be all set aside, and a new and different valuation adopted; and if this were to happen while the franchise were regulated with reference to the valuations before them, the effect would be to extend the right far more widely than was contemplated. But he did not see why it was not in the power of Parliament to secure a more complete valuation. If the House should determine that they would couple the right of voting with the assessment under the Poor-law, he thought that it

would clearly be their duty to introduce into this bill clauses for the purpose of causing a new valuation of property in the unions established in Ireland—a valuation he should say, conducted under the direction of the Poor-law commissioners, and in which the local authorities should not interfere, as they had shown by their past conduct that they were not fit to be trusted with this duty. They might thus establish a fair and just valuation in Ireland; and then it seemed to him that there were many modes which might be suggested of using such a valuation, as the test of the right of voting. They might adopt the proposition which had been made by his hon. Friend the Member for Halifax (Mr. C. Wood), who spoke last night. They might dispense with the leasehold tenure, and at the same time require a rating at a much higher amount than had been proposed by his noble Friend (Viscount Morpeth), or they might also take advantage of the provisions of the Irish Poor-law, which regulated the manner in which the burden of the Poor-rate was to be divided between the tenant and the landlord, and they might provide that the right of voting should depend upon the payment by the occupier of a certain portion of the Poor-rate, beyond that which he was entitled to deduct from his rent, and so meet, in a great degree, the argument of the noble Lord, the Member for North Lancashire (Lord Stanley,) against this bill, that as it now stood, it conferred the right of voting in respect of property, which, instead of an advantage, was a positive disadvantage to the holder, inasmuch as a higher rent was paid for it than it was really and actually worth. But this was not the time or the occasion when, if they agreed in the principle of coupling the determination of the right of voting with the assessment under the Poor-law, they should discuss the manner in which that principle should be carried into effect. He would only say, that without committing himself to any particular mode of doing so, he, for one, saw no reason why, in the present Session of Parliament, they should not carry that principle into effect. He was convinced that hon. Gentlemen on both sides of the House, who had a greater local knowledge than he had, if they came to apply their minds to the subject, would have no difficulty in devising means by which this object might be attained. What he conceived to be the end at which they should aim, would be that of maintaining,

as nearly as possible, the number of voters who, since the Reform Act, had enjoyed the right of voting in Ireland, and he thought that it was particularly necessary that they should do so at the present time. He had last night heard with great satisfaction from the noble Lord opposite, that he was not one of those who had any wish to restrain within the narrowest bounds the enjoyment of the right of voting in Ireland. He confessed that it was only what he had expected from him, when he remembered that during the first three years that he sat with him in that House, the noble Lord was one of the most strenuous supporters of the principles of the Roman Catholic Relief Bill, and one of the most ardent supporters of the Reform Bills for England and Ireland. He had never doubted, therefore, that the noble Lord would not be in favour of a great restriction and narrowing of the franchise in Ireland. The hon. Member for Cavan, (Mr. J. Young), who had spoken this evening, had said, much in reference to this subject, in which he entirely concurred; he had shown that nothing could be more detrimental to the prosperity of Ireland, than so to narrow the right of voting as that it should be possessed almost exclusively by the small class who had a property in the soil in that country; that in the state of society described by the noble Lord (Lord Stanley) nothing could be more injurious than to allow the franchise to fall exclusively into the hands of the owners of the soil, but that a proportion of occupiers should be so taken as that the real feelings of the great bulk of the inhabitants should be represented. To a certain extent the noble Lord the Member for North Lancashire, the hon. Member for Cavan, and he were agreed, because they were all of opinion that it was desirable to avoid restricting the franchise, and that the great proportion of the most substantial of the tenantry of Ireland should continue to exercise the right of voting; but the noble Lord and the hon. Member differed from him in this, that they would wait until the restriction of the franchise had actually occurred, before they consented to any measure affecting that point. They would postpone the remedy until they were more clearly convinced of the evil. He thought, however, that both the noble Lord and the hon. Member would agree with him when they came to reconsider the question, upon looking at the facts of the case, that the

time had arrived at which the remedy should be applied. And he said so for this reason. The noble Lord, in trying to prove that the evil had not yet arisen, had quoted a paper which had been laid upon the Table of the House, upon the motion of the hon. Member for Kilkenny, and which showed upon the face of it that there was a very considerable number of voters in Ireland. If that paper did show the number of voters really on the register in Ireland at this moment, and the number which would continue on the register, he should be satisfied. He adhered to the opinion which he had often expressed in that House, that the distribution of political power which was effected by the operation of the Reform Act should be maintained, and that they should avoid re-opening all those agitating matters which were then happily arranged; if therefore the number of voters, who on that paper appeared to exist were really to be found, he should not advocate any change in the existing law upon the ground that the franchise had become too restricted. But what was the fact? His noble Friend, the Secretary for Ireland, had justly remarked, in answer to what had fallen from the noble Lord opposite, that in that paper were included all who were placed on the register in the year 1832. Many of the persons then registered had notoriously lost their qualification, and on that ground, as well as by reason of the double entry of many names, a very large deduction must be made. With respect to the double entry of names it was important to observe, that this return having been made immediately before the time when the registry of 1832 expired, a large proportion of those who had then registered and retained their right would have again claimed to be registered, and that would appear in the list a second time; hence, as had been stated last night, the real number of voters was very greatly indeed below what it appeared on that paper; for instance, he was told, that upon a very full inquiry in Cork, it turned out that the number of voters now to be found entitled to exercise the right of voting in that county, did not much exceed one half of that which appeared on the face of this return; but more than that, the noble Lord had admitted, that in Ireland there was a great disposition on the part of landlords to refuse to grant leases. As leases fell in, they were not renewed, and the consequence was, a very great reduction in the number of persons entitled

to claim the elective franchise. But the effect of this disinclination to grant leases was only beginning to be felt; he only stated, that which was within the knowledge of every man when he said, that the first appearance of those circumstances which had produced such a disposition on the part of the Irish land-owners was in 1826. It was at the general election in that year, that the first great stand was made by the tenantry of Ireland against the improper, for he might use that term, influence of landlords. The shortest time for which leases could be granted to confer the right of voting was fourteen years. [Mr. O'Connell: Twenty years by the law, fourteen by the present bill.] Taking it at twenty years, it must of course be obvious that a large proportion of leases, which were granted before the year 1826 could not yet have fallen in; still less could they have done so in 1832, the registry of which year was included in the return before them. They were in the process of falling in, but that process had not yet reached its extent. But it was only since the passing of the Reform Act, a period of nine years, that the feeling had become so strong and general as it had now shown itself to be; and that being the case, when the House considered the length of the leases necessary to confer the franchise, it was an obvious consequence, that we were now only at the beginning of the process of diminution, which, under the influence of the admitted disinclination to renew leases, must take place as they fell in. Every month which passed, every life that dropped, and every lease which expired, would increase the extent of disfranchisement. But that was by no means the whole of the case. Under the operation of any good system of registration; under the operation of the measure of the noble Lord, the Secretary for Ireland, or of the noble Lord opposite, it was obvious that there must be a great diminution in the number of persons entitled to exercise the right of voting. It was clear, that, admitting the valuation which had been made under the authority of the Poor-law to be ever so imperfect—to be even more below the real and true valuation than it had been represented to be, a vast proportion of tenements with respect to which the right of voting was now enjoyed were of such a description, that under a more effective system, the elective franchise in reference to them would, to a great extent, cease to exist. According to the noble

Lord opposite, they would be immediately the subject of investigation, and a *prima facie* case only would be taken to be in their favour; but it was obvious, that under the operation of any really effective scrutiny a very large deduction in the number of persons exercising the right of voting in Ireland must be made. But if this was to be the case—if the effect of passing a measure on this subject would be to reduce the number of voters—if there were also to be taken into account the feelings of the landlords, inducing them to withhold leases, and if they were to judge of the effect which must thus be produced from that which the House knew of, the state of society in Ireland from various sources of information, as well from the report lately presented which had been already so often referred to, as from that of Mr. Nicholls, which had been made without any reference to this subject, surely it was obvious that injustice to the people of Ireland, and consistently with sound policy with respect to the interests of the empire at large, they should, at the same time that they established a severe system of scrutiny of the right of voting in Ireland, make the definition of that right clearer and plainer, and at the same time, place it on such a footing as to prevent the diminution of the number of voters, which must otherwise take place. He said, that this appeared to him to be the course which it became the House to adopt; but before he brought to a close the observations which he was making upon this subject, and which he had already addressed to the House at a greater length than he intended, he must refer back to an argument to which he had omitted to advert, but which he considered to be extremely important for the House to consider. In speaking of the inconvenience which resulted from making the right of voting depend upon that which was so difficult correctly to ascertain as the value of a tenant's interest in a property held upon lease, he had intended to call the attention of the House to this fact, that the application of so uncertain a test of the right of voting by means of the assistant barrister, must produce very serious evils in Ireland. His argument was, that now, as in times past, there would be conflicting evidence on the subject of value on every occasion of there being a registration in Ireland. To call upon the assistant barrister to decide upon his own judgment upon the evidence which

should be tendered to him, would be to compel him by his decision to throw discredit upon one of the parties—either upon the occupier on one side, or the landlord on the other. The opinion he pronounced must imply his disbelief of the sworn evidence, and at the same time materially affect the political interests of one of the conflicting parties. It was clear, that feelings must thus be excited which could not fail to throw impediments in the way of the due administration of justice. Every man knew what important effects the introduction of revising barristers in Ireland had produced upon the administration of justice there. It had done much towards creating feelings among the Irish people, with respect to the law, such as had not before existed, towards taking away that impression which formerly existed with too much reason, that the law was the poor man's enemy, and that it ought to be defeated by any means which he could employ. The adoption of this system had been calculated to provide for the satisfactory adjustment of all those disputes which arose between man and man, and was, therefore, the foundation of improved order and tranquillity in Ireland. But if they threw doubt on the proceedings of the assistant barrister—if they mixed him up with politics by imposing on him, the duty of deciding on a right of voting, which was in itself vague and uncertain, this would, in effect, be to do all in their power to bring back to that state of things which had before existed, and to destroy the probably beneficial effects of a most valuable institution. And when he declared this opinion, he did not express it as his own view of the case only. Hon. Members opposite, who had sat upon the Fictitious Votes Committee (Ireland), could not fail to recollect the evidence of the assistant barristers who had been examined before them. These gentlemen had expressed the strongest opinion of the extreme inconvenience and mischief likely to arise from uniting in their persons the duty he had described with that which properly belonged to them. They said, that if they were to be called upon to perform the duties of registration, it was of the utmost importance, that they should not be required to adjudicate upon an uncertain, indefinite, and vague right of voting. This was their opinion, and he thought, that the arguments which he had suggested, showed, that the present uncertainty of

the right of voting in the manner in which he had pointed out, was calculated to affect the administration of justice. It might be argued, that registering barristers might be appointed distinct from the assistant barristers; but if they were to be so, who was to be intrusted, he would ask, with the invidious duty of appointing the barristers to perform this task? The noble Lord opposite had pointed out, he thought, with great justice, the great objections which existed to imposing upon the Speaker of the House a duty of that description. Could it be imposed upon the judges? In his opinion, they could be called upon to undertake it still less than the Speaker. Would it be trusted to the Executive Government? He was sure, that to that proposition, hon. Gentlemen opposite would say no; and he was bound to admit, with every appearance of reason and justice. But could they allow the right of deciding upon matters so vague and uncertain as the value of property to be given without any appeal irreversibly to any barrister, however chosen? Could they impose such an extent of authority and power to any one man? He thought not; and he asked if this question of value, as it at present stood under the existing law, were proposed to be allowed to continue in the same position, to what tribunal was it to be referred? Were they to give it, as at present, to a judge and jury? He was sure that no friend to Ireland would recommend such a course. Party politics and animosities had already gained by far too great admission to the sanctuaries of justice, and no man who had the slightest regard for the interests of Ireland would consent to the adoption of so injurious a system. Was it to be referred to a court of appeal such as the noble Lord the Secretary for Ireland proposed to form? He did not wish to pronounce an opinion as to how far such a court might answer for the purpose for which his noble Friend proposed it, of deciding upon points of law, but he thought, that at all events it was clear such a court would be altogether incompetent to deal with questions not of law but of fact when the result of evidence was to be determined on. In cases of disputed value, when the nice balance of conflicting testimony was to be decided, the evidence must be heard to be justly estimated, and of course three barristers sitting in Dublin could not hear evidence on appeals from all the courts of registration in Ireland. What, then, was the alternative?

Were they to leave the question of value open to the decision of a committee of that House? Were they upon every case of a contested election in Ireland to allow persons to be brought over at a vast expence to give evidence as to whether the property of every individual who had voted was not worth 10*l.* a-year more than he paid for it? The effect of that would be, that in every case where there was any thing like an equal division of parties in Ireland, the representation would be virtually placed at the command of the longest purse. He had now stated the grounds on which it appeared to him that it was in the highest degree important that they should endeavour, by some modification of the bill on the Table of the House, to connect the right of voting with the assessment under the Poor-law. In stating the grounds of his opinion to the House, he was aware that he had made admissions and expressed views upon some points which he must expect to be disapproved by hon. Gentlemen who sat around him. He knew also, that the conclusion at which he had arrived would be equally disapproved by hon. Gentlemen opposite. He was deeply sensible of the painful position in which a Member of that House was placed who looked around and could in no quarter find approbation of the course which he felt himself bound to pursue. It was much easier to go with the stream, to take decidedly one side or the other, and march in the ranks of one's party. But while he had the honour to hold a seat in that House, such would not be his conduct. He thought that in a question of this kind, in which he believed the peace, happiness, and stability, of the empire were at stake, he should act on the dictates of his own independent judgment, free from the trammels of party interests and connections. And he would respectfully appeal to hon. Gentlemen opposite who agreed with him in disapproving of extreme views on either side, and desiring that the question should be settled on a basis fair to all parties and to all interests, and entreat them to ask themselves whether this bill did not hold out a fair prospect of arriving at such a settlement. If it did hold out such a prospect, was it not their duty to support it? He did not profess any Utopian views as to the necessity of men always voting in that House merely on the dictates of their own opinions. He knew that it was a necessary consequence of the constitution of our Go-

vernment, and of the very nature of popular assemblies, that no great or useful object could be carried except by the co-operation of many men and many minds to one purpose. He knew also that such co-operation was only attainable by mutual concessions, by mutual sacrifices of opinion on minor points, in order that a general coincidence might be produced. He had himself always acted on that conviction, but in recognizing the propriety of such a rule of conduct, it must be with this reserve and this qualification, that it must not be taken as applying to questions of vital importance; but in all those great and important occasions when the highest interests of the country were at stake, he considered it necessary to act on his own individual judgment. Was not the present question one of the kind? Let any man look to the present situation of Ireland, and say that it was consistent with the security of the empire that this agitating question should any longer remain subject to the anger and acrimony of party discussion. Was it consistent with their hopes of the improvement of that country, and of its ultimately settling down into that state of security and tranquillity that would invite the application of English capital and intelligence to improve the condition of its vast, and, he feared, still miserable population? If they looked not merely to the internal state of Ireland, but also to the state of our foreign relations, would any man venture to tell him that the importance of settling this question was not greatly increased? Were there not in many quarters clouds casting up that were most ominous in their appearance? Was there not a feeling and a temper arising in the minds and opinions of men in other countries, that threatened the most serious consequences? We had already enjoyed an European peace as long, if not longer, than any which this country had ever enjoyed, but ought we therefore to reckon that that peace would last for ever? For his own part, he could not help thinking that the very length of time during which we had enjoyed peace added to the doubt whether it would continue, and to the danger lest a different state of things might succeed it. He believed that a population was arising in this and other countries, by whom the miseries of war were to a great extent forgotten, and that the same passions and interests which in former times had desolated the world with war and bloodshed might again lead to si-

milar results. If, then, they took into consideration all these probabilities (or at all events possibilities), and at the same time looked at the position of the country at home and abroad, could they honestly reconcile to themselves to regard this measure as one of minor importance, and one upon which they could vote according to party interests and party animosities? He confessed that he could not believe that this would be the case; he could not believe that the House would not participate with him in the deep feeling which he entertained, that this was a question on which they were bound to give their votes unbiassed by any such considerations. He for one would give his vote under a sense of the greatest responsibility, but without the slightest hesitation or doubt that it was his duty to support the second reading of the bill now before the House.

Dr. Lefroy said, there were some parts of the speech of the noble Lord who had just sat down, in which he cordially concurred. He had expressed himself in reference to the conduct of some of the Irish judges in a manner which every man anxious for the honour of the profession, and the due administration of the law must approve of. If the object of the bill before the House were to establish, what he concurred with the noble Lord in thinking was very desirable, namely, a test of the qualification, which would put an end to all doubt and perjury, he should give it his hearty concurrence. If it were what it imported to be in its preamble, he would have no hesitation in giving it his support; but the bill before the House was anything but a bill carrying into effect its own preamble. The noble Lord had also stated what appeared to him a very decisive reason for opposing the second reading of the bill—namely, that they had not sufficient information before them on which to proceed. That he conceived was quite sufficient ground to prevent their wasting the time of the House in going into committee, when they had not sufficient evidence to act upon throughout. Under these circumstances, he had not the slightest hesitation in giving his unqualified support to the motion of his noble Friend, for the postponement of the bill. It was admitted by the hon. Member for Halifax, who last night took a leading part in support of the bill, that it abolished all the county franchises, and substituted a new species of franchise in their stead, and reduced those

of the towns to one-half of their present qualification. The same thing was admitted by the noble Lord who closed the debate, and they had, therefore, a distinct admission that the bill was of a nature which of necessity infringed upon the great leading principles of the Reform Act. In truth the honest title of the bill should be a bill to abolish all the county franchises in Ireland, as established by the Reform Act, and to substitute others in their stead, and to modify and alter those for the towns. Now, if that which should be so, were the title of the bill, he should wish to know what the noble Lord who last addressed the House (the hon. Member for Halifax) would say to it. He should like to know whether it would come within those limits beyond the four corners of the Reform Act which his doctrines of finality would permit him to go to? But let the opinion of the noble Lord, or the hon. Member for Halifax, be what it might on that point, the present bill was, in the face of it, a bill for violating plainly and palpably the great principles of the Reform Act; and upon that ground he conceived the House was bound, in the very first instance, to reject such a measure. The noble Lord who had just addressed the House, had expressed what he perfectly concurred with him in—a wish for the establishment of some test by which they would get rid of the oath of the party, and of all the uncertainty and difficulty attending the decision of the question on the existing franchise for counties. He perfectly concurred with the noble Lord in that object; but was that the object of the present bill? It was not, except in its preamble; but the object of its enactments was to abolish altogether the existing franchise. It might have been a bill to achieve the other object, but it was not so. If it had been a bill to establish a criterion of value founded on the valuation under the Poor-law Act, and that valuation had been legally and correctly made according to the directions of the act, it would have afforded one great and fundamental element in ascertaining the franchise, namely, the value of the land out of which the franchise was derived; and if, after deducting the rent from this valuation, the tenant should appear to have a profit of 10*l.* per annum, they would then have had a clear test to ascertain the qualification without the conflict of the solvent tenant test, or the beneficial interest test at present ex-

isting; and, if the Poor-law valuation had been above suspicion (which was far from being the case), they would have had a basis on which to arrive at certainty, without being obliged to appeal to the oath of the party, and have thus avoided those temptations to perjury to which the noble Lord alluded. But that was not the object of the bill—it was not to adopt any criterion for ascertaining the clear profit of the voter beyond the rent he paid—it was simply to abolish the existing qualification, and to substitute in its place what he must take the liberty of saying was a pure democratic principle—namely, the liability to vote, which was no test whatsoever of profit or interest in the land—a principle which those who brought in the Reform Bill never would condescend to adopt. If there were any principle, plain and clear, on the face of that bill—if there were any principle which the promoters of the bill had clearly in view, it was this—that, although the object was to enlarge the constituency, and to enlarge it very considerably, the extension of the franchise, to be given to additional population, was to be given through the medium of property. This was plain and palpable in the face of the Irish Reform Act. In counties the test of property was having a profit of 10*l.* a year beyond the rent. It was not material then to discuss how that profit was to be ascertained; but a profit of 10*l.* a year beyond the rent was required for the county franchise, and in a town the qualification was the occupation of a house of the yearly value of 10*l.*—a sure criterion that property should be represented as well as numbers. Indeed, if landed property was to be represented, he could not conceive how it was possible, consistently with a very extended franchise among the population, that it could be effectually represented, unless you guard it by requiring some interest in the land on the part of him who was to obtain the franchise. The man who held an estate of 10,000*l.* per annum, had only one vote in right of his land, and if every one having a vote in right of land had not an interest, so as to make all participate in what regarded the land, it was evident the large proprietors would not be fairly represented. But a community of interest was established by the provision that the franchise derived out of land should be accompanied by a certain profit as the test of an interest. But this test was abolished by

the present bill. The rating under the Poor-law was no criterion of property or profit. The occupier was not rated the higher or lower on account of paying a rent for his land. It was not the value over the rent which was inquired into, but the value of the land as it stood. Rating under the Poor-law could never therefore of itself be a test of profit above the rent—and yet this was the only test which this bill provides for the future franchise in counties—and that a rating on a value of 5*l.* per annum. A man may pay a rent higher than the value, and thus have demonstrably no interest in the land, and yet he would be entitled to the franchise. In towns the party was only required to occupy a House of the yearly value of 10*l.*; it was therefore utterly unnecessary to reduce the qualification by one-half. It was plain therefore, that the object was not as asserted in the preamble, to remove doubts and difficulties in ascertaining the qualification; for no conflicting question as to the solvent interest test, or the beneficial interest, could arise in towns. He trusted that one object, which appeared to him inevitable, had not been contemplated, when it was proposed to reduce the Parliamentary franchise in towns to 5*l.* It was plain, that if that was done, the qualification for the municipal electors could not stand at 10*l.* Was it, then, intended, or was that result to be overlooked, that in these times they were to have the question of the municipal franchise stirred up again? That question was supposed to have been set at rest; but if the Parliamentary franchise was to be reduced to 5*l.*, it was impossible that the municipal qualification could stand at 10*l.* It appeared to him that that alteration as suggested in the bill, was substantially an alteration of the Reform Act—and that had been admitted by the noble Lord who had brought forward the present measure in February, 1839. When the hon. and learned Member for Dublin moved for leave to bring in a bill to assimilate the franchise in the two countries, the noble Lord is reported to have said—

“The motion of my hon. and learned Friend, if assented to, would be in direct contravention both of the settlement which accompanied the emancipation act of 1829, and of the settlement made by the Reform Act of 1832.”

Here was the declaration of the noble

Lord, in February 1839, and he would ask how long were they to depend upon the declarations of a Government whose sentiments and opinions were so quickly violated? He was astonished that the Government did not feel the mischief to the country, and the disgrace to themselves, that attached to such vacillating and improper conduct. The Government in that case had made a distinct avowal, founded on the supposition that it was for the interest of the whole empire to abide by it, and almost immediately afterwards they found them departing from that line of policy without any adequate cause or occasion. Another ground of objection was the novelty of the franchise which it sought to introduce. He could not put his opinion of it in such strong language or adequate terms as his noble Friend the Member for North Lancashire when discussing that newly-invented franchise. The noble Lord said it was a franchise which nobody ever thought of for England, or dreamt of for Scotland. Indeed it had only been heard of occasionally from the hon. Member for Kilkenny, when he broached it as the basis of his favourite theory of testing the qualification of the franchise by the mere payment of the rate. The noble Lord had done the hon. Member's proposition injustice, and had gone somewhat short of the democratic principle of the hon. Member. It was on liability to vote, the noble Lord would found the franchise, not on payment; and accordingly the bill before them was founded not upon the payment of the rate, but upon the liability. It might be matter of gratification to her Majesty's Government, but it was matter of regret to him, that in so many points, the bill was in conformity with the principles expressed by those who undoubtedly carried their democratic views to an extent which he was happy to say the great body of the House had never yet given their countenance to. But it was a melancholy thing to find the Government laying on the Table of the House a bill adopting so many of those views, and giving it the sanction of their names and authority. He had already observed that the proposed franchise was worse than the 40s. franchise, for that required not only a larger interest in point of estate, but also a profit, although not a large one: whereas the present did not require one farthing of profit. It was plain the Government had

contemplated this class of persons as no better than paupers, for according to the two first Poor-law bills brought in by them, the tenant who paid no higher rent than 5*l.* was entitled to deduct from the landlord the whole amount of his rate. The present Poor-law Act was brought on in the same form, and it was not until it had been altered in committee that the tenant under such circumstances was debarred from deducting the amount of the rate from his landlord. Now let the House consider what was the state of the law in England in that respect—it required the rating of a tenement of the value of 10*l.* a-year to enable the pauper to receive the parish relief. That was the right of settlement as it existed in England under the old law. So that in reality, if the bill should pass into a law, they would have a qualification for the Irish Parliamentary franchise, not exceeding half, and not necessarily amounting even to one-half the value, which was necessary to qualify a pauper in England to receive parish relief. One of the grounds on which that mischievous and extraordinary change had been supported was, first of all, that it was with a view to enlarge the constituency of Ireland; and secondly, to prevent its being diminished, when the poor laws came generally into operation. Now, upon that point they had no sufficient evidence before them of the fact, either that the constituency had been diminished, or of the probable occurrence of such an event. The document which had been already adverted to, and which had been laid upon the table on the motion of the hon. Member for Kilkenny—that document, with one observation, gave them the present state of the constituency in Ireland. He admitted that the constituency, registered in 1832, had fallen to the ground, unless since re-registered; but he contended that if that constituency was such as it was represented, and ought to have been, they might be registered upon their certificates. If that constituency had a right to be on the registry in October, 1840, they might, according to the present decision of the law in Ireland, on the production of their certificates be put upon the registry. Therefore he was entitled to take that return as establishing the constituency as it did, or at all events, as it might exist in Ireland. What was the result according to that document? A great deal had been said

to disparage the effect of the reform act in Ireland, and to show that it had not worked in the way that was expected to increase the constituency; but let the House compare the constituency as it stood previously to the reform act, and subsequently to it. By the returns which had been laid before the House, the constituency in Ireland in 1831, before the passing of the reform act, consisted, in the counties, of 52,170, and in the towns, of 18,238, making a total constituency of 70,408. According to the return which had been made of the present state of the constituency, it appeared that there were in the counties 99,157, and in the cities, boroughs, and towns, 55,530, making a total constituency, at the present moment, of 154,687—showing an increase upon the constituency, before the passing of the reform act, of 46,987, being a total increase of the Irish constituency of 84,287. The House would thus see that the constituency had more than doubled since the passing of the reform act. It was a very remarkable thing that in Cork, looking at the constituency in that exclusive and, as regards property, best managed, county in Ireland—the constituency of Cork, prior to the abolition of the 40s. freeholders, did not exceed 5,448. Now, at the present moment, according to the returns on the table, it amounted to 5,738: so that on a comparison of the constituency of Cork, even in the high and palmy days of the 40s. freeholders with the present time, it was somewhat less under the old system. There was no ground, therefore, for saying that the constituency of Ireland had been so diminished as to render it necessary to have recourse to any expedient, particularly such a desperate means as the present, to keep a reasonable proportion between the constituency and the population. When hon. Gentlemen talked of enlarging the constituency, in reference to the population, he would take leave to say that it was utterly impossible to legislate with respect to the mere mathematical principles of proportion. Many other things must be taken into account besides numbers—the circumstances of the country in respect of property, which might materially account for, and justify, a diminished constituency. There were circumstances, also, attending the effect of increasing the constituency, in reference to the general balance of power in the state. It was a serious consideration, and should be well weighed by

the House whether the democratic influence in Ireland was not of a sufficiently high amount at the present moment. Was it not worth consideration, whether it was not at the amount at which it ought to stand? Were they to increase that influence to an amount which would throw into that House a preponderance of that influence which would stifle the voice of the majority of the people of England and Scotland in that House? He felt the more justified in urging that argument, when he referred to the observations of the noble Lord the Secretary for Ireland, on the occasion to which he had before alluded. In February, 1839, the noble Lord observed:—

“Is it to be said that the Irish reform bill has utterly failed and perished? This, at least, cannot be said with any grace by the hon. and learned Gentleman, when he looks around on those who surround him, and sees the benches on all sides of him filled with such a large majority of Gentlemen from Ireland who profess the same opinions as his own.”

Now, the House would recollect that before the passing of the reform act, the Irish Members on the opposite side of the House professing liberal opinions amounted to thirty-three; while the Members on his side amounted to sixty-three. What was the case since the passing of the reform bill? Why, that the Members who sat on the opposite side, and surrounded the hon. and learned Member for Dublin, amounted to seventy; while those on his (Mr. Lefroy's) side, amounted to only thirty-five. He would venture to predict that if a constituency were to be formed, such as this bill proposed, a very considerable proportion of the future Members for Ireland would be repealers; and it should be recollected that at the very moment when Lord Althorp said he would rather see a civil war than a violation of the union, he added, unless it were desired by a very large and preponderating majority of the Irish Members. They had had another argument for increasing the constituency, and that was the report of the Gentlemen commissioned by the noble Lord the Secretary for Ireland to make a report upon the working of the Poor law act in that country. He referred to the report of Messrs. Haig and Deasy, and he doubted exceedingly, without wishing to cast any imputation on these gentlemen, whether that report had not been made to support the bill before the House

rather than that the bill was founded upon the report. He could not find any date to the report which he held in his hand, and which had been laid upon the Table of the House the previous day. He found, however, by a former report, that they were proceeding on their commission at the end of the month of October. Now if these Gentleman were not apprised at that time of what was brewing in the cauldron, they were more ignorant than most other persons—for it was pretty generally surmised that a bill was being prepared on that principle. These Gentlemen had been sent to make a report on the working of the valuation under the Poor-law act, and he found that in their report they stated its working to be in precisely such terms as would recommend to the House the adoption of the principle of the present bill. He found in the report this short but remarkable observation:—

“If the law were to require any excess of rating over rent, however small, framed as the Poor-law valuations have been, such a test would exclude the tenants, even of the most indulgent landlords. This is a necessary consequence of the valuations being generally below the rents.”

Here was a strong reason given for abolishing the existing system; for if this were so, and the Poor-law rating was to abide, it made it almost impracticable for any tenant to have the franchise, if the rent was to be deducted. But what did these gentlemen say with respect to the rate? Why, that it was totally contrary to all the provisions of the Poor-law act—that it was taken on a principle in total contravention of all law—that it was a rule which could not be maintained; and yet the rule which they themselves so disparage, and which they maintained, could not be instanced as valid, and which must at the very next valuation be abandoned. The House was to legislate upon that rate as an appropriate one for the franchise in Ireland. Whatever weight might be due to the report of those gentlemen, it was an opinion given upon a review of ten unions only out of 140; and on the basis of such an opinion they were now called upon to legislate, and with such imperfect information as was now before them. The noble Lord (Howick) who had last addressed the House—with what consistency he himself could best judge, for he did not pretend

to do so—had told them that he meant to vote for the second reading. There was one more objection which he wished to advert to before sitting down—an objection on the principle of which the 40s. freeholders had been mainly abolished—a principle in support of the value of which he was prepared to call for a witness of the highest authority on the opposite side of the House—he meant the hon. and learned Member for Dublin. The principle of the objection he was about to state to the present qualification was its tendency to break up the property of the country into small and inconsiderable portions. That was one of the mischievous consequences of the old 40s. system, and that was got rid of by the evidence taken before committees of both Houses of Parliament. Before a Committee of the House of Lords the hon. and learned Member for Dublin was examined, and he should trouble the House by reading a few passages of the testimony the hon. and learned Gentleman had given on the importance of increasing the franchise, and the mischievous consequences of reducing and subdividing the land with a view to increasing the constituency. In answer to questions put to the hon. and learned Member, he said, on being asked,—

“Do you think the raising the qualification to 10*l.* would be productive of great benefit to Ireland?—I think it would be productive of benefit; it is, in my humble judgment, no small benefit if you get rid of any portion of perjury; and it is the commencement of what we want in Ireland—a substantial yeomanry. Would the qualification of 10*l.* be effectual for that purpose?—I think it would, for this reason: your Lordships will recollect that there must be a clear profit of 10*l.* a-year, and a freehold tenure—an interest in the land for life.”

Now, that was what would be the result of the present measure. The landlord would lose nothing—the property would be broken up into small fragments, but the rent would not be diminished. The number of voters would be immensely increased, and it would tend to the corruption of the constituency; and no hon. Gentleman could doubt that the fewer the constituency, the more liable it was to corruption. The system was injurious, therefore, to the soundness of the constituency itself. While he held the evidence of the hon. and learned Member in his hands, perhaps the House would allow him to call its attention to another passage

in that evidence, which had a bearing upon another objection to the present measure. It was not only an infringement on the Reform Act, but it was also an infringement on, and a violation of, that settlement which took place in 1829, by which the franchise of 10*l.* was substituted for that of the 40*s.* freeholders, and that upon a compact and understanding that the franchise was not to be disturbed. The hon. and learned Member was asked—

“Do you think the Catholics of Ireland would be content to exchange the indirect political power they now possess, by means of the 40*s.* freeholders, for the direct advantage of the particular influence they would possess, if admitted to the enjoyment of equal rights?— (He answered) “There may be some little clamour upon that subject, but it would be an irrational one, and I think easily put down. I am convinced the Catholics would very readily make that exchange.”

Again, the noble Lord the Secretary for Ireland, on the occasion already alluded to, when a motion was made to assimilate the franchise in the two countries, observed,—

“The motion of the hon. and learned Member, if assented to, would be in direct contravention both of the settlement which accompanied the Emancipation Act of 1829 and of the settlement made by the Reform Act of 1832.”

Here, then, they had a recognition by the noble Lord so lately as February, 1839, that the principle of the measure which he now proposed to the House to agree to, was a violation not only of the Reform Act, but of that settlement of 1829, by which the 10*l.* franchise was substituted for the 40*s.* freeholders, and of a compact, with reference to which the noble Lord said,—

“It is well known that the disfranchisement of the 40*s.* freeholders was a condition for carrying the Emancipation Bill, without which it would not have been carried.”

And yet they now heard the noble Lord proposing to the House, under the mask of removing doubts and difficulties in the county and town franchises, to abolish the present existing 10*l.* franchise, and to substitute in its place a rating test which never, at any amount, could be a test or criterion of the voter having any account of profit; and which, therefore, never could be a fair test of property, being based on a purely democratic principle, and utterly subversive of the constitution.

For these reasons, he should give his most hearty concurrence to the motion of the noble Lord who had proposed the amendment.

Mr. Pigot was not sorry that he was able at that period of the debate to rise and address the House, after the speech of his right hon. and learned Friend, who had introduced into the discussion some matters which had not previously been adverted to on the present occasion. In the consideration of this bill, and in the progress of the legislation which the Government had suggested to Parliament on the subject, the main subject of discussion was, whether the franchise, on the basis on which it existed in Ireland at present, ought to be continued. To the consideration of this question, as the debate proceeded, the chief attention of the House seemed to be directed. The main question was, whether or not they should continue as the qualification the test of value as it had been described by the noble Lord opposite, and by those who had followed him in the debate, and who supported the view which he had taken of the question. In the first place, then, let them see what the test at present was by law. He would ask the House what was the present state of things as regarded the test of value? He would again and again ask the House to stop and consider what was the present state of things as regarded the test of value for the franchise. He asked this, not only in cases where the franchise was doubtful in itself, but also when it was mixed up with contested questions of law. This, then, was the main question upon which he wished for a distinct answer from Gentlemen opposite. As it was, the question of value was made a matter of the greatest difficulty. It was stated, that there were three things necessary for the possession of the franchise: first, that the claimant should have a title; secondly, that there should clearly be an occupancy; and thirdly, that the test of value on the part of the tenant should be clear and distinct. All the allegations of which they had heard so much, with respect to cases of fraud, and which had been so strongly urged on the attention of the House, referred to this last conflicting test on the subject of value, and not at all on the two other points. As to the title of the claimant of the franchise, that could be clearly proved, for the party could easily show the deed under which he claimed to be placed upon the

register. As to the occupancy, there could be little difficulty, as it could be clearly proved and ascertained to the satisfaction of every one; but when they came to the question of value, they resorted to a test of the greatest difficulty; for, instead of being capable of direct proof by documentary or other evidence, it excited numerous doubts, and became a question of the utmost perplexity. The House well knew that, even in questions involving matters of fact of what passed before their eyes, and of scenes that came under their observation, and when they had only to refer to what they saw and heard, and when there was nothing calculated to swerve the mind, how much human testimony varied; but when interests were mixed up with discrepancies which otherwise arose, it was impossible that human testimony should not vary greatly. When, then, they had a great diversity of opinion, arising from opposing interests, or prejudices, or passions, was it to be regarded as a matter of astonishment? Could they, under such circumstances, expect strong and distinct testimony, utterly free from contradiction or variation. On all questions of the value of tenancies of estates, there was something in the very nature of the subject—there was something conflicting in the question itself, which was calculated to give rise to opposite testimony. The test or interpretation, however, was applied in Ireland in a manner which was utterly unknown in this country. In England this species of 10% qualification was nominal, and could hardly be said to exist at all. The great proportion of the voters were freeholders, or tenants at will, or leaseholders of a different grade. There was also a facility of ascertaining in England the nature of the qualification, and of investigating the whole facts of the case which did not exist in Ireland. The lower franchise in England was composed almost entirely of small freeholds, and there was nothing in Ireland at present which coincided with the 40s. freeholders of this country. In point of fact, throughout the whole of the franchise the most glaring differences and discrepancies existed between the two countries. But in addition, the test of value as applied in Ireland was not only always a matter of ambiguity, but it was also a question of contested law. This was one of the most baneful evils which could exist in any state of things, and, above all, on a matter involving a question of contested rights.

This state of things had been described by a most able and distinguished writer as being a state of things which must be productive of the worst effects in any country; and to what an alarming extent was this evil allowed to attain in Ireland! The House was aware that a question had arisen before the Irish courts, as to the interpretation of the law on the subject of this test of value, and he wished Gentlemen to observe how this had affected the franchise in that country. By the act of 1829 the test for the franchise was declared to be what a solvent tenant could pay beyond his rent. This was inserted in the body of the act, and also in two of the schedules to it; thus there was a distinct incorporation of the point in the Act of Parliament. Amongst the tests which Parliament in its wisdom at that period thought it right to apply on this subject was a form of oath to be put to juries, in appeals to the assizes, on questions involving the value of premises for which the franchise was claimed. This oath was omitted in the Irish Reform Act, and the whole of this part of the act of 1829 was left out of that measure. The question, then, arose, not as to what was contained in the Reform Act, but as to whether the test he had just described was to be applied in questions arising out of the case of leaseholders, which was not inserted in the Act of 1829. The question came before the Lord Chief Justice of the King's Bench in Ireland, who determined that the oath should not be administered. It then came before another of the judges, who decided in an opposite way. The subject then became a matter for the consideration of all the judges. He would ask whether this was not putting a question of doubtful law? The judges met, and gave their distinct opinions on the subject. The point raised was, whether the oath he had described was or was not lawful. It was determined by five of the judges, including the Lord Chief Justice of the Queen's Bench, that the oath was unlawful. On the other hand, some of the judges were of opinion that the administration of this oath was necessary. When the question was again put, it was carried by a majority of ten to two in favour of the test, as three of the judges who had formed a portion of the minority stated that they conceived that the opinion of the majority should be binding on the minority on a question of that nature. If, then, he showed that five of the judges were

against the administering this oath to juries on the questions of disputed value of tenancies, and that also three out of the ten judges who formed the last majority, which decided for the oath, had, in the first instance, given their opinions that it should not be administered, he considered that it would be a sufficient ground to come to Parliament and ask it to have this question settled and placed on a sure foundation. The case, then, stood thus—the opinions of the judges were divided in the proportion of five to seven. It then became in the proportion of ten to two, as three out of the five forming the former minority afterwards thought proper to sanction the opinion of the majority. He need hardly state, that it was the opinion of several judges that, in cases of a doubtful nature as to the interpretation of the law, the minority should be bound in the last instance to sanction the opinion of the majority. This was the case in the year 1837, but how stood the question now? Then the majority of the judges were in favour of applying this test, but since that time there had been changes on the bench, and he believed that if the opinion of the judges was to be asked at the present moment, it would be found that the opinion of the majority was contrary to what it appeared to be in 1837. The majority against the putting the oath he believed would at present be found to be in the proportion of seven to five. Under this conflicting state of opinion, he would ask how was the law to be upheld. On one day the Chief Justice of the King's Bench was in a minority as to his opinion, and the Chief Justice of the Common Pleas in the majority. Since then there had been a change, and the Chief Justice of the former court was now in a majority, while the other Chief Justice was in a minority. Were they, then, to postpone legislating on the subject until the judges were unanimous on the point, or until they obtained an opinion similar to that which had formerly been given. He contended that this state of things called imperatively for an alteration in the law, and it really became a disgrace to the Legislature not to remove all doubts as to the question of the franchise. If a question of the slightest importance had arisen as to property, on which there was a conflicting opinion amongst the judges, or involving a matter of the smallest amount, there would not be the least scruple on the part of Parliament to apply a remedy. Was it not, then,

the duty of the House to take the proper steps to remove all doubts on the subject, and make the law clear and unambiguous on a matter of such vast importance as the elective franchise? In every case, a doubt in the law was both a dishonour to the law, and an affliction to the people; but in the case of political law, for a doubt to exist, for this conflict of opinion among the judges, and among the people to continue, was a nuisance which must be abated; that such a state of things should exist in a part of the fundamental constitution of this realm, and that yet any man should for a moment doubt the absolute necessity of taking up the question, with a view to its settlement, impressed him with the utmost astonishment. There were two projects upon this subject before the House, between which the House was now called upon to decide. Let him assume—and he conceived there were very few persons in or out of the House, who did not see it was essential to remove this blot on our institutions—let him assume that something must be done, that some alteration in the law must be made to remedy the evil, and let him go into the main features of the measures before the House. The bill of the noble Lord opposite, so far from affording a remedy, did but aggravate and exasperate the evil, for the main principle, the essence, the vital feature of it was, that it gave an appeal against the franchise to the judges. To the judges—and to the judges to do what? Not to settle questions between parties according to a law, the principles of which were known and acknowledged, but to give the judges an opportunity of having still further questions made, of exposing the constituencies to the hazard of having doubtful law made still more doubtful by its application. What would be the consequence? What must necessarily arise under such a state of things? Suppose an assistant barrister admitted 500 votes; or suppose rather, that on the first annual revision he rejected 500 votes. An appeal is made to a judge; the votes, according to his view of the cases, are good, and he places them on the register; an election takes place—the candidate is returned. An intervening registry occurs, the same voters are objected to, but the assistant barrister, obeying the opinion of the judge, leaves them on the register. The objector, however, appeals from the decision to another judge who has come into the circuit, and the new judge having an opinion on the case dif-

ferent from his predecessors, removes the 500 votes from the register. Would this be a remedy for the evil, or would it not rather be an aggravation of it. Again, under the present law, where appeals were to be made to any judge sitting at *Nisi Prius*, and where the Chief Justice of the Common Pleas was of one way of thinking on the subject, and the Chief Justice of the Queen's Bench of another, any person who chose to appeal against a vote was nearly sure to succeed, for all he had to do was to elect his judge according to the nature of his case. It was pretty well admitted on all hands, that by no definition of the words of the Reform Act could this question be settled. On what basis, then, could they proceed to supply a remedy for the evil? What were the qualities which should be required as a test? In the first place, they should require it to pervade the whole island, either at once or in the course of a few years. This was the case in the Poor-law rating. One hundred and forty unions would comprise the whole of Ireland, and of these one hundred and twenty had already been declared. Next came the consideration as to what test would best comprise every species of property. Here again, with a slight exception, into which he would not then enter—a very slight] exception—the Poor-law test would be found to apply to every species of property which could give the elective franchise. The next point to be looked to was not indeed a rating perfectly uniform through all parts of the island, but a rating uniform in large districts and among large populations. Now, he found from the returns relating to the unions already declared, that there was only one with a population under 20,000; while there were eight with populations of upwards of 100,000. As to the extent of district, there were only twenty-six which had under 100,000 acres. In the test of the Poor-law rating, therefore, they had a test which provided the utmost possible degree of uniformity over large districts and among extensive populations. In the Poor-law rating, also, would be found another important requisite—a counter check to prevent fraud, and to furnish something which of itself would prevent the endeavour to get the franchise without a title to it. Next came the question whether there was a precedent for the proposed registration, and he was prepared with an answer in the affirmative. Before the English Poor-law Act had been tried,

before it had been seen in practice, so as at all to arrive at a proof of its adequacy in operation, its rating was adopted by the Legislature as the rating for the municipal franchise; and this, on the same ground as was now advanced in reference to the present measure, the equality of rating, and the existence of counterchecking motives to prevent fraud. Had any other mode been suggested by which this difficulty could be got rid of? He had heard of none in all the discussions on the subject, either in this debate or on a former occasion; and it, therefore, appeared to him that if they retired from the experiment now proposed without fully considering its merits—without seeing how near it could be modelled to the purpose, he must look on the case as utterly hopeless. The valuations which had been proceeded upon in this case were considerably below the net value of the property. The argument that the valuation was not absolutely uniform was most absurd: to suppose that you could obtain uniformity in questions of value was to suppose an impossibility. If rating were taken as a test by which the franchise was to be determined, it was impossible to exempt the test from this infirmity—that in some places it would be rather higher than in others. It was quite sufficient for the purpose that they were assured that the rating could never exceed the net value of the property. In no part of her Majesty's dominions, could they have a valuation made for the purpose of a rate which would exceed the net valuation of the property. They had, therefore, in this, as far as regarded the poverty of the franchise, an unobjectionable test. Who had a right to complain of this? No one; for any one who had a tenement rated below its value, had his remedy by appeal. The first great point, then, was that the basis should be ascertained clearly before the parties went into the conflict of a Registration Court; and next, that the basis, extending all over the island, should be uniform over large districts, and over large populations. The question of the amount of franchise he was aware was one which, even on the second reading of the bill, was one of great consideration, but still the exact amount of the franchise was not the real question now. If he was asked, however, why 5*l*. in the present state of their information on the subject, was taken—though this was a question altogether for committee—but if he was asked why this sum had been

taken as the test, he should refer to the statement made by his noble Friend on introducing the bill. One main reason was, that the extent of the franchise, it was calculated, would be considerably diminished by the adoption of a higher test. Much controversy had arisen as to the intentions of the framers of the Reform Bill. In considering this question, it was for the House to regard it, not as lawyers, but as politicians and statesmen; and the question was what, in this point of view, they considered were the intentions of the authors of that bill, and what were the rights of the people under it? They were not dealing now with a recent question; they were not dealing with men who were for the first time seeking to acquire rights, but they were dealing with men who had acquired a franchise, and who had exercised it now for eight years. The point was, how did the Irish people, for whom they were legislating, look at the question? They did not inquire into the particular meaning of particular clauses, but they looked to the declaration of their legislators, to the declarations of statesmen, of those who brought forward measures, and who explained them to Parliament; and from these declarations let him ask, what meaning was it probable the Irish people attached to the one part of the Reform Bill which immediately related to their franchise? They found that in 1829, an act was passed to establish a certain franchise; and that in 1832 another act was passed to extend that franchise; but that, whereas the act of 1829 laid down as a test, that the solvent tenant should be able to afford 10*l.* over and above the rent, this test was dropped in the Reform Act of 1832. Again, they found that the definition of the beneficial interest of 10*l.* which a man may have in his own holding, was in their Act of 1832, though it was not in the English or the Scottish Act; and they further found that the oath which in the former Act the assistant-barrister was authorised to require from them as to the solvent tenant test was abandoned in the act of 1832. The argument on the opposite side of the House was, that the definition was unchanged, and that the test ought to be retained, and that by law it was so retained. This was not a question to be argued by the House, in the character of lawyers, but as politicians; they must consider the Reform Act with reference to the people to whom they gave it, and with reference to the rights which

had been actually enjoyed under the act. Now there was ample evidence to prove that in 1832, when the new tribunal was established by which the act was to be administered, when the sixty barristers were employed under the direction of the noble Lord opposite, then Secretary for Ireland, that these barristers went about administering it in the manner in which the people there generally understood it to stand. Let him just call the attention of the House to the state of things which existed under the Reform Act, and as it existed under the former statute. The act of 1829 required that all the 10*l.* freeholders in Ireland, then created, should be registered. In May, 1831, a return was made to the House of Commons, whence it appeared that under the act of 1829 there were then (in the month of May) registered 20,109 10*l.* freeholders in Ireland. Now, what was the operation of the law of 1832, a year after that return of registered 10*l.* freeholders was made? In the Autumn of 1832, it appeared that the number of 10*l.* freeholders registered under the Reform Act was 37,730, making an addition of 17,639, nearly one-half, to the number registered under the former act. The Reform Act was notoriously administered on the construction of extension by the barristers, and on that construction it was understood by the people. Was it not then, the duty of Parliament, in considering exactly how this matter stood, and how a new law was to be applied to existing rights, to consider what rights accrued to the people under the Reform Act, in that construction of extension? Let him say another word on this point: The noble Lord opposite was at that time Secretary for Ireland; this investigation into the number of freeholders took place under his guidance, and it was in evidence that the barristers were constantly in communication with him, and that he gave them readily and promptly, and with the acuteness and intelligence which characterised him, the construction which he contemplated, though nothing then was said by him against that construction. In 1832 there was a contested election; and a contested petition; but after that petition, after an inquiry had taken place, after the law thus administered under the Reform Act had been investigated by a select committee of the House, there was no attempt made to introduce an act declaratory of an opposite construction. The Longford com-

mittee, also, composed for the most part of gentlemen on the other side of the House, came to a decision, founded upon the construction: if, then, an opposite construction had been intended, it was most dishonest towards the people of Ireland not to declare it. Never, until the present question arose, had the principle been contested. And here let him cite one opinion upon the subject which the House would do well to attend to. In 1829, when the House was debating a bill for raising the Irish franchise, in connection with the Emancipation Act, the introduction of this very test of good and solvent tenant was made the subject of discussion. Among others, Mr. Leslie Foster said,

"The ordinary question was put every day to the freeholder—'By virtue of your oath, sir, would you take 40s. a year to give up your house?' And the answer was of course, 'No, it is worth more, and I will not leave it.' He saw no difference between the law of England and the principle adopted in this case."

Upon which the noble Lord, then Mr. Stanley, said,

"He conceived, that it was quite sufficient for the freeholder to prove that he had a beneficial interest of 10*l.* in his land, without calling on him to show that a solvent tenant could afford 10*l.* more. The hon. Member for Louth had put a question which, he said, had frequently been put forth from this side of the House. He asked, 'If you do not approve of this, what will you do?' And he said that he saw no middle course. Now he (Mr. Stanley) did see a middle course. The complaint of those who objected to this clause was, not that the franchise was raised from 40*s.* to 10*l.*, but that it was raised much higher, at the same time that a new criterion was established for ascertaining the reality of the interest. The middle course will be to demand proof of a *bona fide* 10*l.* interest and no more."

Now here was the noble Lord using the very expression of beneficial interest, and doing more, saying that it should not be tested by the good and solvent tenant test. He conceived that his noble Friend was quite right in taking the Reform Act as its authors framed it, and as the people had received it. In conclusion, he would call on all who looked on this question—not with a view to the sordid interests of party—who looked to the interests of one-third of the population of the British islands—who looked to the future peace and tranquillity of Ireland—who desired the progress in the rapid career of improvement which was now developing so much of the resources of that country—who

wished to extend to that part of the empire happiness and prosperity—fairly and candidly to come to the consideration of this question, with a view to useful and practical legislation; and he trusted that, for this purpose, they would allow the bill to go into committee.

Sir William Follett quite agreed with the right hon. and learned Gentleman who had just addressed the House, that the question which they had properly to consider on the second reading of this bill, was with respect to the clauses which had been introduced respecting the elective franchise. He quite agreed with the right hon. and learned Gentleman, that the details of the bill respecting registrations in Ireland would be much better discussed in committee. But it was the question involved in those clauses respecting the elective franchise that now properly arose on the second reading of the bill. And he must say, at the outset, he could not avoid expressing his surprise, that the right hon. and learned Gentleman, the Attorney-general for Ireland, under whose auspices this bill was mainly introduced, should have concluded his speech without addressing a single word to the House on the great and sweeping change, without one single word on the great and sweeping alterations made by those clauses in the principle of the Reform Bill, which related to the elective franchise in Ireland. He could not suppose that the right hon. and learned Gentleman was not perfectly aware of the full scope and intent of this bill, although he had treated it as if the whole principle which they were discussing,—as if the whole principle which those on his side of the House were opposing, was the application of the Poor-rate valuation as a test of the elective franchise. That was the main argument of the right hon. and learned Gentleman's speech, with the exception of the argument, partly legal and partly political, which he had addressed to the House on the meaning of the beneficial interest under the Reform Bill. But was the application of the Poor-rate, as a test of value, really the great objection on that side of the House? or had they really offered the application of that test? On the contrary, he (Sir W. Follett) for one was perfectly prepared to agree with the observation of his hon. Friend, the Member for Monaghan (Mr. Lucas), and with the noble Lord, the Member for Northumberland, that it would be extremely desirable that some test, arising

from the rate for the relief of the poor, duly and properly imposed, or from some other public burden, duly and properly imposed on the occupiers of land in Ireland, should be applied to determine the qualification for the franchise, and that they should not rest alone on the oath either of the claimant or of witnesses coming forward for the occasion. He knew not why it should be supposed that they were hostile to such a test; on the contrary, he had supported it, and his right hon. Friends near him had supported that test as applied to the qualification for voting in municipal bodies. No; that was not what he objected to. What he objected to was this; that, under pretence, if he might so say, of applying the Poor-rate as a test of value, it swept away and destroyed the present elective franchise in Ireland. It entirely and completely destroyed the constituency created by the Reform Bill, and substituted another constituency on a totally different principle and of a totally different character. He would undertake to say, that he could satisfy the hon. Member for Halifax, who he regretted not to see in his place, that this was not one of the minor alterations in the Reform Bill, that it was not an alteration for the purpose of carrying out and settling a question arising from that bill, but that it was, on the contrary, a violent interference with the very principle on which that bill rested. On that ground he objected to the second reading of the bill, and he must again say he was astonished, that the right hon. and learned Gentleman, the Attorney-general for Ireland, should not have addressed one single word of argument to that part of the subject. Before he went into the bill to show that it was an interference with the Reform Act, the House would permit him to say one word as to the doubts and difficulties which the right hon. and learned Gentleman had spoken of as having arisen under the Reform Act, and which were set forth in the preamble as the ground of the present measure. The bill did not profess to be introduced for the purpose of altering the Reform Bill, or of creating a new constituency in Ireland. They found nothing of either in the preamble of the bill. The preamble of the bill stated, that its object was mainly to remove certain doubts respecting the qualification of electors in Ireland. The bill was introduced on the ground of removing doubts, but when they came to the enacting part of the

bill, they found that it removed no doubts, but that it simply swept away and destroyed the existing qualifications in Ireland. What were the doubts and difficulties that had arisen. He perfectly agreed with the right hon. and learned Gentleman; and no one more deeply lamented the fact than he did; that the scenes which were now exhibited in Ireland in reference to the elective franchise were a very great scandal and reproach to the administration of justice in the country. No one more deeply lamented those scenes than he did; but at the same time he was not prepared to admit, that the blame of those scenes could be properly laid, as the right hon. and learned Gentleman had laid them, to deficiencies in the wording of the Reform Bill. He was not prepared to admit that. As an English gentleman, and an English lawyer, he entirely agreed with the hon. Member for Halifax, that he could not understand how the doubts and difficulties had arisen. The difficulty was this. They had in Ireland words giving the elective franchise almost precisely the same as in England. With regard to two great classes of voters the words were exactly the same. The freeholders and occupiers of 10 $\frac{1}{2}$ tenements had the franchise under precisely the same words as in England. The difference in the case of leaseholders was in the use of the words beneficial interest. He would again appeal to the hon. Member for Halifax, whether any English Gentleman—he knew no English lawyer would—rise in his place and say, that the introduction of such words created the slightest doubt in his mind. In England, then, where they had words with respect to some franchises exactly the same as in Ireland, what was the case? They had revising barristers in different parts of England. They had discordant decisions of those revising barristers. But he never heard of a revising barrister entertaining the slightest doubt of the meaning of those words. Those words had been carried into effect in England without exciting doubts or differences of opinion at all. But what had occurred in Ireland? As the right hon. and learned Gentleman had informed them—as soon as the Reform Bill was passed, certain barristers who had been sent down under the act to preside at the registries, had given what was called the large and liberal construction of the act. But did the right hon. and learned Gentleman know—did the House know—how far some of those

revising barristers went in the liberality of their constructions, not with regard to the value of freeholds or leaseholds, but with regard to occupiers of 10*l.* tenements? He could state, for he had seen it proved before committees of the House of Commons, that persons occupying portions of houses which had been left out of the local rate because they were under the value of 5*l.*, had received the franchise as 10*l.* occupiers. Those revising barristers thought they were giving a right construction to the act in admitting the occupiers of cellars to the elective franchise, because by their trade, or in some other way they made 10*l.* a-year in them. That was one way of giving a construction to the bill in Ireland. So with regard to freeholds, instead of taking the only mode which had ever been heard of in this country, of ascertaining the value, they took the fanciful mode of calculating the profits of the possessor in some other way, by which he might make up the 10*l.* If doubts occurred upon this act—which worked so well and with so little doubt in England—but if doubts occurred from the extraordinary interpretation of these revising barristers, what was the right and proper mode of settling the dispute? It was certainly not to come to Parliament, and ask Parliament to define and give instructions, because Parliament had already spoken in plain language. He could fancy no mode but one—an appeal to the judges—and he could not conceive any more judicious, right, or proper mode of settling a disputed question of law than assembling the twelve judges of Ireland to hear the matter solemnly argued and discussed; and when the opinion of that tribunal was pronounced, he could not understand how, he could hardly believe, that any one had acted against the decision of the assembled judges. Yet what was the fact? Ten of the judges in Ireland had given a decision in favour of that construction of the act which was adopted in England without doubt or difficulty. Ten of the judges were of the same opinion, but two were dissentients, and those two dissentient judges chose, notwithstanding the judgment of their brethren on the bench, to act on their own opinions, and that had led to those scenes which were complained of. He could assure the House, that he never approached this subject without regret. He trusted the House would believe, that in any observations which he had made, or might make, he was not im-

puting improper motives to these judges. He was quite sure of this, that there was no member of the English bar who had attained a seat on the judicial bench, had ever allowed political feelings to interfere with the discharge of his duties. He believed the same of the Irish bar, and for that reason, he the more deeply lamented, that in a question of a purely political nature, where one would have supposed, that an individual would be more glad to yield his opinion to a majority—the two dissentient judges should have chosen to set up their opinions against the judgment of the others. He knew they might be told, as they had been by the hon. and learned Member for Dublin, on a former occasion, that the judgment of the judges was not binding, not being in a court of appeal or a court of error. He perfectly agreed, that the judgment was not legally binding, but neither was the judgment of the Queen's Bench, or of the Common Pleas, or of the twelve judges in criminal cases, binding upon individuals. But what a state would the law of England be in, and what scenes would the courts exhibit, if such decisions were not really observed? What man's life or fortune would be safe if judges in England chose to stick to their individual opinions, instead of yielding to the solemn judgments of the courts? No doubtful question could be settled, and there would be no security or certainty if every judge, notwithstanding the decision of a majority of his brethren, still rated on his own opinion. Even the Government acted on the opinion of a majority of the judges. In the late case of high treason, a majority of the judges who tried the prisoners were of opinion that they ought to be acquitted, yet the Government acted on the opinion of a majority of the twelve judges, in carrying out the sentence so far as to inflict severe, although not the full punishment. He could not help thinking that it would have been more decorous, and more calculated to create respect for the administration of justice, if the two judges in question had given up their individual opinions, and been bound by the opinion of the majority. He should say so if the question were one unconnected with politics, but it was doubly incumbent on them to do so on a question in which political feeling was involved. He would not follow the right hon. and learned Gentleman in detail, but he must refer to the quotation which he had made from a speech of his noble

Friend the Member for North Lancashire, and which the right hon. and learned Gentleman referred to as if the speech had been made on the introduction of the Reform Bill. That speech was made before the granting of the Catholic Emancipation Bill, and it had no reference to the question which the right hon. and learned Gentleman was discussing, which was the meaning of certain clauses of the Reform Bill. The right hon. Gentleman had introduced a bill last Session, containing a definition of franchise very different from anything that was known in England. If that bill had passed, it would have increased tenfold the mischiefs of the Irish system, and being, moreover, a declaratory act relating to that which was law in England as well as in Ireland, it would have introduced the same doubts, the same perplexity, and the same difficulties as in England. He did not think there would be more success with the present bill. He did not think it would remove doubts or difficulties, and he did not think it quite fair, nor quite honest, under pretence of removing doubts and difficulties to introduce such a clause as he should now quote to the House. What was it? He said its effect was this:—It not only destroyed the franchise as created by the Reform Bill, but it created another, based on a totally different principle. How did the right of voting now stand? The present constituency was created by the Catholic Emancipation Act and the Reform Bill. The qualifications were 10*l.* freeholds and leaseholds for certain terms, for sixty, twenty, and fourteen years, with a beneficial interest of 10*l.* or 20*l.*, according to the length of the term. The copyhold franchise hardly existed in Ireland. Well, what was the principle on which these franchises were given? The principle of the Reform Bill was this—that in counties the elective franchise should be based upon property, and that the right of voting in boroughs should be based upon occupation. On that principle the Reform Bill was framed. And such, too, was the old and constitutional principle, both in England and Ireland, that the right of voting in counties should depend upon property, and in boroughs upon occupation. The noble Lord the Secretary for the Colonies would pardon him for adverting to some observations made by him—not in the House—upon the 50*l.* clause in England. The noble Lord said he objected to that clause, not so much on the ground

of abuses to which it led, as because it interfered with the principle on which the elective franchise in counties was bottomed by the Reform Bill, namely, property, and not occupation. That 50*l.* franchise was the only instance in England in which the right of voting in counties was not based upon property. In Ireland there was no instance. But what was proposed by this bill? Nothing less than to take away the necessity for any property at all. He begged the attention of the House particularly to this, because it was impossible to collect this from the speech of the right hon. Gentleman. The bill proposed to require no property qualification whatever. Instead of a freehold or leasehold of ten pounds value, a claimant need not have any property at all to entitle him to vote, because the bill only required him to be an occupier, with a lease of fourteen years, of a tenement rated at the value of 5*l.* But the occupier of such a tenement not only might not have an interest of 10*l.* or 5*l.*, but he need not have an interest of one single farthing to entitle him to vote. Now, he wanted to know, in the first place, was not this a complete alteration in the principle of the Reform Bill. What was its effect? Its effect would be this—that every occupier, under a full rack-rent of a cottage or garden, paying the full value, or more than the full value for it, if he held a lease of fourteen years, would be entitled to vote in elections for counties. What was this in point of fact? It was an approach to, if it was not at once admitting the principle of universal suffrage. It was almost admitting the principle of universal suffrage in counties in Ireland. He asked whether that was not the construction to be put upon it? He could not forget the observation of the hon. Member for Kilkenny upon the noble Lord's bill, when he hoped it would soon be introduced into England, and if it were, that there would no longer be revising barristers or courts of registration—an observation which was not very far from the truth, for where there was hardly any qualification required, there would be little matter to call for a decision. He objected to this bill, therefore, as altering the principle of the Reform Bill, by not requiring any property as a qualification for voting in counties. It was also objectionable, because it was a direct violation of the condition which accompanied the bill for Roman Catholic relief, which imposed and required a 10*l.*

freehold franchise in Ireland. [*Hear, hear*, from Lord J. Russell]. The noble Lord cheered. The noble Lord himself had not long ago opposed a bill, not upon the second reading, but opposed its introduction, on the ground that it interfered with the settlement under the Catholic Emancipation Act and the Reform Bill. Well, the present measure required no longer a 10*l.* freehold, the property required by the Reform Bill. It did not even restore the 40*s.* freeholds, but made a much worse franchise—a franchise every way more objectionable. What was the great objection to the 40*s.* freeholder in Ireland? It was not only the state of dependence in which the voter was—it was not only the way in which he was taken up to the poll, but that the existence of a 40*s.* freehold franchise led to the division and sub-division of land in Ireland to a degree not only injurious to the landlords, but destructive to the comforts of the people. Every man anxious for the well-being of the population, desired that the utmost efforts should be made to counteract the evil of this division and sub-division. But this bill would bring back the whole of the old grievance, and they would again have landlords who were more anxious for political power than for the permanent improvement of their estates and the well-being of the agricultural population, dividing and sub-dividing their land, and giving fourteen year leases of 5*l.* holding, to enable their tenants to vote at elections. Nor would there be the same restriction which existed in the case of the 40*s.* franchise, because a landlord could not create a 40*s.* freehold without giving a long interest in the land and making some degree of sacrifice. In order to give the tenant the proper interest, the land must be underlet by at least 40*s.* a year. But with the franchise which the noble Lord proposed to introduce, there would be no check whatever on the landlord. He might grant leases for fourteen years, but reserve the full rack-rent, and introduce any conditions he pleased for enforcing payment. Thus it would give to the oppressive landlord a political influence which the indulgent landlord had not. If a man chose to take a high rent and introduce covenants of re-entry, he might hold his tenant at his mercy, so that he must vote for him or be removed from his holding. That was the constituency which the noble Lord proposed to introduce into Ireland, and in a bill which pretended only to clear

up doubts and difficulties with regard to the franchise. But let him ask English Gentlemen, was it true, that this bill related to Ireland only? If the occupation of a cottage or garden of 5*l.* annual value was to give the right of voting in Ireland he wished to know how they could resist the demand, when the demand came to be made, that the people of England and Scotland should have the same franchise? Let them consider well the probability of such a demand, when they saw what was taking place out of doors—when they heard the organs of a particular party, hailing the bill of the noble Lord as the first step towards the revolution which was contemplated, and as necessarily leading to the establishment of household or universal suffrage. He should like to ask the noble Lord if he gave to the simple occupier the franchise, if he gave it to the tenant having no interest of any kind in the land, what answer would the noble Lord have to give to the people of England if they asked for a 5*l.* qualification? And if they gave the 5*l.* qualification, they would not find it easy to stop until they went to household suffrage. Let them look now to see on what it was the principle of the bill was founded. The noble Lord, the Secretary for Ireland, and the right hon. the Attorney-general had stated, that the information on which it was founded was meagre and unsatisfactory; and yet the noble Lord considered, that he was justified, notwithstanding all this, to introduce a most extensive alteration in the franchise. This was to be done upon information that was meagre and unsatisfactory—he might say, still worse than meagre and unsatisfactory. The noble Lord introduced a bill which made a great alteration in the franchise, and which was a violation of a recent act of Parliament. They were not to wonder that the people of Ireland would not obey an act of the Imperial Legislature, if her Majesty's Government thought they had a right to legislate upon that which was done in violation of that act. Now, what had been done by the valuers of the poor-law guardians in Ireland, was that which the Government and the noble Lord himself must admit was in direct disobedience to an act of Parliament. What had been done by these persons? They found a part of those gentlemen, the valuers, instead of obeying the direction of the act of Parliament, and which, it was to be supposed, was as clear and plain as

the words could convey, they actually acted in direct violation of it. They did not make the valuation in the way that the act directed. It would be found, in the very report on which the noble Lord proposed to legislate, that there was not any trivial variation from the act of Parliament, but that the parties proceeded in direct violation, and direct disobedience to the act of Parliament. In the first place, the valuation was not according to the directions of the act of Parliament, but it was made in such a way as to enable the guardians of the unions, according as the interests of landlords or of tenants predominated, to have the valuation made in the manner that would be more or less beneficial to themselves. This was according to a statement made in the report, and he would now read a passage to them, showing on what basis the noble Lord was legislating :—

“It does not appear to us, that summaries prepared in that form could be sufficient for that purpose; but those summaries manifest on the part of the board an anxiety to secure a uniform scale of value in all parts of their own union, and a desire to counteract the original defects in the constitution of their revising bodies: These localities, having each had the power of valuing itself, each being interested in lowering its valuation, and having no common standard of value but opinion, it is natural to expect, that some irregularity must result. The steps taken by the board, with a view to correct this tendency to irregularity, we have described; but it is worthy of remark, that the attention of the board appears to have been directed entirely to the object of securing uniformity in the valuation between different parts of the union; but no steps appear to have been taken to ascertain how far their valuation approached or varied from the actual letting value of the tenements.”

Then they had this, as the basis of their legislation—and this, too, when they found Gentlemen, in violation of an Act of Parliament, rated property according to their caprice. The Government saw this, and yet they came down to Parliament in this way, to say that the Poor-law had been carried into effect in Ireland. Was this, then, the mode to compel obedience to an Act of Parliament in Ireland? Was there, he asked, no mode of compelling obedience to that act? Were there no courts in Ireland to enforce obedience to it? Securing the sort of valuation that had taken place—he asked how near was it to the valuation contemplated by the Poor-law Bill. One assistant Poor-law commissioner said that it was altogether illegal—alto-

gether illegal. One gentleman wrote to an assistant Poor-law commissioner one of the most extraordinary questions he had ever heard of. It was this :—

“I am directed by the guardians of the Scariff union to forward to you the foregoing resolutions, and to request an answer, as to whether the board of guardians have the power of directing the valuator to value lands of the union according to their wishes, even though it should be against the judgment of the valuator.”

This was a question put to an assistant Poor-law commissioner; and this was one of those gentlemen who had been valuing lands in Ireland, and it was their valuation that the noble Lord made the basis of the present bill. The assistant Poor-law commissioner gave them a very proper, and, considering the question, a very civil answer; and as it was probable the noble Lord was not aware of the basis on which his bill was founded, he would read the answer for him :—

“I wish to inform the guardians, in reply to their inquiry, that they have no power of directing the valuator to value the lands, &c., according to their wishes, even though it should be against the judgment of the valuator, unless they have satisfied themselves by an inspection of the property that his valuation is incorrect, and ought to be set aside. It is contrary to the principle of valuation, defined by the Act of Parliament, to assume any fixed sum as the maximum value of the land in any particular division of the union. Each occupation must be separately inspected by the valuator, and separately valued by him; and the value affixed will be the rent at which, one year with another, in its actual state, it might be reasonably expected to let from year to year, the tenant undertaking to pay all public taxes and charges, including such as are necessary to maintain it in its present condition. If the valuation be not conducted strictly on this principle, it will lead to useless appeals when a rate is to be raised, and the union be thereby involved in serious litigation and expense.”

That, he conceived, was a proper admonition to the noble Lord himself; but let them even suppose that the rating was lower than the value, still it did not authorise the Government to say that there should be no property qualification. The only effect of it would be to adopt the suggestion of the hon. Member for Mallow, and conceding that the rating might be below the actual value to fix upon the sum of 8*l.* over the rent. The effect of the lowness of the rate was not, however, a ground for making the proposed alteration. The lowness of the rating did not afford

any reason to her Majesty's Government for proposing an alteration in the constituency. So much for the county constituency; but then they had done the same in towns; and having passed a bill last Session—the Municipal Corporations (Ireland) Bill—by which the franchise was tested at 10*l*., they now introduced a new principle, by which the franchise for electing Members of Parliament was only to be 5*l*. And upon what information did they go to do this? Upon that which, it must be admitted by the noble Lord himself, was illegal and unsatisfactory. It was because Gentlemen made a very bad calculation, that they were now asked to reduce the franchise to 5*l*. He had attended to the noble Lord when opening this subject—he had done so on the previous night, and on that he had given his best attention to the right hon. the Attorney-general for Ireland, and yet he had not heard one single reason why the franchise in England and in Scotland should be 10*l*., and in Ireland that it should be 5*l*. The noble Lord had not stated it—the right hon. Gentleman had not stated it—and it could be only in consequence of the report of Messrs. Haig and Deasy. It was then only, in consequence of an unauthorised document, that the noble Lord or the right hon. Gentleman could ask for this alteration. He thought now that he had redeemed the pledge that he had given to the House, that he had shown that the right hon. Gentleman had omitted to state any reason for making this alteration in the Reform Bill, and also in the Roman Catholic Emancipation Bill. He had shown that this bill did interfere with the principles of two acts of parliament. He appealed, then, to those hon. Gentlemen who in that House had hitherto resisted the wild and visionary schemes that had been brought forward from time to time by a section of the supporters of her Majesty's Government, and he asked them were they prepared to support a bill that was more objectionable than any that had been yet proposed? He could well understand how some of the supporters of her Majesty's Government might do so, but not how hon. Gentlemen, who considered that the Reform Bill was the settlement of a great question—he did not understand how they could join those Gentlemen, and he did venture to hope, whatever might be the motives or the objects, and he did not stop to inquire into the motives or the objects of her Majesty's Government in intro-

ducing this bill, yet he did hope that a majority that night would declare to them that they would not consent, under the guise of a bill to amend the registration in Ireland, to set aside the Reform Bill for the three countries, and thus allow a new experiment upon the constituency of the empire, which he thought must be attended with danger to all the established institutions of the country, if not to the constitution itself.

Mr. Macaulay: Sir, if this were a mere legal question, I should think it most presumptuous in me to interfere, or intrude into a discussion between two persons so distinguished for forensic ability as the hon. and learned Member who has just sat down, and my right hon. Friend behind me. If this were a question to be decided by local knowledge, I should be equally disposed to leave it to the numerous representatives of the Irish constituencies who have shown an inclination to address the House. But as it appears to me that at this stage of the bill, at least, it is possible, for one who pretends to neither legal nor local knowledge to form an opinion of the subject of which it treats, I shall venture to state what appears to me to be the grounds on which a representative of a British constituency, bringing to the subject no knowledge beyond that general information which is common to every hon. Member, may feel himself justified in supporting the second reading of the bill. Sir, in what I have to say, I shall attempt to follow the precept rather than the example of the hon. and learned Gentleman who has just sat down. The hon. and learned Member began by declaring his intention to go into none of the questions which might, with more advantage, be regularly discussed when you have left the chair; but I must say, that it appears to me that the greater part of his observations did relate to questions of detail—to important questions of detail I admit; but I never can consider, that whether the time be fourteen years, or whether the sum be 5*l*., are other than questions of detail. Sir, I do conceive, however extraordinary that avowal may seem to hon. Gentlemen opposite—I do conceive, that if any hon. Gentleman in this House be convinced that the test proposed by my noble Friend be the best test—then, although he might be disposed to think that the sum of 5*l*. was too low—then, although he might be disposed to fix it at 6*l*., 7*l*., 8*l*., or 10*l*., I should say he would still be acting in a

reasonable and Parliamentary manner if he voted for the second reading. For my own part, I believe, for I had not then the honour of a seat in this House, that this was the case in discussing another bill of great importance, the Irish Municipal Bill—the general principle of the bill having been approved of, it was read a second time with the support of many hon. Members, although several divisions were subsequently taken by them upon its details. Sir, I have no hesitation in stating, that I do believe that the evils which are to be apprehended from the restriction of the franchise in Ireland are greater than those which are to be dreaded from its extension. Sir, whether the test of my noble Friend should be adopted or not, I should see with satisfaction that a greater proportion of votes should be given to the large counties of Cork and Down. I think it better that they should have 8,000 rather than 2,000 voters, but whether they are to have 8,000 or 2,000, still I prefer the test of my noble Friend near me to the undefined franchise in the bill of the noble Lord. Sir, I shall at present not touch upon the question of the amount of the franchise—I shall confine myself to the principle of the bill, and it will be necessary for me to follow the example of the noble Lord, and look, not at my noble Friend's bill alone, but also at the other bill that accompanies it on the table of the House. The case is certainly a grave and important one, for it involves a right which is the foundation of all other rights. Serious evils are admitted to exist with regard to that precious and important right; both parties in the State admit the existence of these evils, and both have come forward with remedies which are now lying on your table, and it is for the House to decide between them. Sir, I cannot disguise from myself the fact that it is not on these two bills alone we are sitting in judgment. I say, that each of these bills appears to me to be strongly marked by all the great and characteristic features of the party from which it proceeds. Those who with so much zeal and perseverance support the noble Lord opposite, will not be disinclined to admit that his measure embodies their feelings, while I, and my Friends around me, are of opinion that my noble Friend's bill involves those great principles upon which we think the legislation of the country should be carried on. Now what is the end and object of registration? If there be any person who thinks that a Bill

of Registration should be a Bill of Disfranchisement in disguise—if there be any person who thinks that we ought so to frame the law as to filch from the people as much as possible of that power which the liberality of a substantive law has given them covertly—there are many who may think fit to act upon that suggestion, but there are few who will avow it, they will support the bill of the noble Lord. I shall, therefore, in what I have to offer to the House, take the proposition for granted—a proposition which may be disliked but cannot be disputed—that the object of a Registration Bill is to keep out bad voters and let in good ones. This is not a simple object—it aims at two things quite distinct, and which may be incompatible. It is possible to conceive that there may be a law giving ample facilities for the admission of honest voters, but at the same time permitting a crowd of dishonest voters to press in. It is equally obvious that there may be a law enacting such severe scrutiny that the dishonest voters cannot pass muster, but that such a law will keep out many honest voters. Sir, it is the severest trial of legislation to deal with such cases. When there is only a single object, the case is comparatively easy; but when there is a double object, both cannot be secured in perfection. Now, if the bill of my noble Friend be superior in any respect to that of the noble Lord opposite, it consists in giving facilities to the registration of voters. Hon. Gentlemen opposite say, that the danger is greater from an undue extension of the franchise, but I think the danger is greater from an improper restriction of the franchise. Argument upon that subject is almost unnecessary; but it is clear to me that in both respects the bill of my noble Friend is superior to the bill of the noble Lord, and more efficient for keeping out bad, and letting in good, voters. Take the machinery provided for keeping out dishonest voters. My noble Friend's machinery is this: he employs a test to ascertain the franchise, which is inseparably connected with a check, acting without any object to put it in motion, and without any summons, subpoena, assistant barristers, or judges of assize. He strikes at motives—he attacks principles—he dives into the nature of things, into the heart of man for his remedy; at the same time my noble Friend's check operates without in the smallest degree impeding the honest voter, or without dragging him from his

home, without causing him the slightest anxiety, or levying on him any pecuniary charge. Now I say that such a test as that approaches as nearly as possible to that at which we should aim. Sir, when I turn to the noble Lord's bill, what is the check to keep out dishonest voters. I have looked through the bill, and I find absolutely only this one against the intrusion of fraudulent voters—eternally trying over and over again at the same question *ad infinitum*. Now if the object be to reduce the constituency—if the object be to leave it only the mere name and shadow of a constituency—then I say that this plan has been well concerted for its aim, and it is worthy of the abilities which no man can deny to the noble Lord. If, however, I look at it as a measure presented in good faith to prevent fraud and perjury, then I can designate it by no other name than childish—as childish, for it is a system of preventing fraudulent registration, but making the registration of good voters in the highest degree impracticable. No doubt it will keep some impostors out of the registry, and so if we were to select every tenth man in London there is no doubt that some rogues would be sent to the tread-mill, but that I call a childish system of legislation. Sir, I do not call that a preventive of fraudulent registration, but a childish system, which is not directed against the fraud, but which is directed against all voters, the long and short, the blue-eyed and black-eyed, honest and dishonest. Sir, the noble Lord's test is one which has no reference either to honesty or dishonesty. It will disfranchise all alike. I speak in the presence of many eminent lawyers, in the presence of many men well acquainted with the law of this country and of Scotland, with our civil law and our Oriental dependencies, and I ask them what they think of this system of eternal revision? I ask the hon. and learned Gentleman who has just sat down, and I should be glad to have his opinion upon the point, what does he think of this as the only check upon fraud? What does he think of a system, in which, every year, objections may be brought before the Assistant Barrister, and if the Assistant Barrister approves of the vote, an appeal may be had to the Judge of Assize; next year, precisely the same objection may be taken in the very same words, he may be again compelled to go before the Judge of the Assize, and so on for ever and ever. In order to keep his franchise during one

Parliament, in order to give one vote the elector is exposed to this vexation that he may be seven times compelled to go before the Assistant Barrister, and seven times before the Court of Appeal, and if a man acquires the franchise when he comes to the years of discretion, and lives to the age of seventy, he may have 100 law-suits to keep his name on the register; he may spend 1,000*l.*, and not less than six months of his time in pursuit of his vote. [*Cheers.*] Unless Gentlemen can by interruption remove the words from the bill of the noble Lord, or distort those words out of their plain meaning, I conceive they may as well give up the subject. These are the words—that is their meaning. If it be said, that the right or power which the noble Lord gives the objectors—if it be said, that it will not be abused, I answer that I believe it will, and I say it is the business of a wise and virtuous legislature not to establish such a power, trusting that some undefined feelings should prevent men from abusing it. I again ask men of both sides of the House—men of eminent legal knowledge—such men as the hon. and learned Gentleman who has just sat down; I ask him what he thinks of such a principle as this, and what he thinks of those arguments, by which the noble Lord has attempted to vindicate his measure, and which he repeated whenever the subject has been discussed, and which he repeated last night? The noble Lord said, I will never agree to part with this portion of my bill, for if I do, then the person who has once established himself upon the register, by fraud or perjury, can never be removed. Does the noble Lord say, that that argument will hold good in all cases? What says the law of England? “If a man is once tried for a crime and acquitted, then, although he be acquitted by an alibi supported by perjury or any fraudulent cause—although you may have evidence by which you can bring the matter home to him—you cannot again put him in jeopardy for the same case.” What says the law of England in civil cases? “If a man bring an action for debt or damage—if in that action judgment goes against him from any such cause as that a witness breaks his leg, and is, therefore, unavoidably absent, he shall not be again suffered to bring an action in the same case.” If that be the law of England in criminal matters—if that be the law of England in civil matters, on what principle ought we to depart from it in the elective franchise?

The noble Lord is bound to make out distinctly such a case, and tell us why we should not proceed the same way in the one instance as in the other. When we do not go on in this manner, hearing and re-hearing in the case of the fraudulent debtor, who has obtained an estate to which he has no title, why should we go on hearing and re-hearing for ever in the elective franchise? If I am asked why the law of England is framed in a different manner from that in which the noble Lord proposes in his bill for the registration, I answer, that the law was framed in that respect by men who took broad general views of the subject on which they legislated—who did not fix their eyes pertinaciously upon individual cases that might happen at times to arise in the course of events. They say, it may be an evil that the assassin should go about the streets bearding the family and friends of his victim with impunity; but it would be a vastly greater evil that all the families in the community could not live in peace and security. It may be a great evil, that the fraudulent debtor should keep possession of the estate which he has unjustly acquired, but it would be by far a greater evil, that all honest men should be insecure in their property, and that all society should be kept in a ferment of litigation. As you bear with the felon and the debtor, who are dishonest and successful in the courts of law, and who resist just claims, even so ought you to bear with the fraudulent voter, who is falsely put on the register, rather than go on eternally trying and trying the same objection. Contrary to the whole system of English jurisprudence, the voter who has got on the list of voters by perjury or fraud, is to be tried again and again. The noble Lord says his object is to prevent perjury, but the noble Lord must know, that litigation is a fertile source of crime—a fertile source of perjury. This litigation would produce more perjury and inconvenience in a single year, than all the wrong decisions pronounced according to law would produce in a century. Thus stands the case. I conceive my noble Friend has proposed a remedy for existing abuses, which will certainly keep out those who have not a right to vote, and let in without trouble or inconvenience those who have the right. I conceive, that the noble Lord (Lord Stanley) has proposed a system, which will not only have the effect of keeping out those who

have not a right to vote; but will keep out everybody without distinction who dislikes vexation, and expence, and trouble, and anxiety; who dislikes feeling counsel; who dislikes incurring the risk of having to pay costs; these persons the noble Lord's bill will disfranchise. That the noble Lord's bill will disfranchise wholesale, men who have a right to vote, I do not at all doubt. One reason why I believe his system will disfranchise many who have a right to vote, is this, that I am certain it would disfranchise myself. I possess a vote for the University of Cambridge; now, the vote of an elector of an Irish county, is not, I think, as important as that of an elector of the University of Cambridge. His vote is given for two Members of Parliament. He also votes for dignities and situations which are objects of importance to great men, and even to Princes of the Blood. A vote, then, in an university is surely a more valuable possession than a similar one in any Irish county. The member of the senate of a university is generally more able to assert his right than an Irish voter. Yet, I declare, that if a system like the noble Lord's were established to register my vote in Cambridge—if I were liable by any Master of Arts, who differed from me in politics, to be compelled to go down to Cambridge and dance attendance on the senate house for two days, how long think you should I retain that vote? Indignation might support me under such an insult for some time. I might go down once or so for the purpose, not indeed of lending much assistance to the right hon. Gentleman opposite (Mr. Goulburn)—I might go down on some pressing occasion, but disgust would soon weary me out. And now, what will the Irish farmer do, who is much more helpless than I am, when he finds himself exposed to these great vexations and obstacles, which the noble Lord's bill throws in the way of his acquiring the franchise. I think, Sir, however imperfectly I have explained myself, that it is my duty to give a reason for my belief that the great object of a Registration Bill is the keeping out of voters that ought to be kept out, and the letting in of voters who ought to be let in. The bill of my noble Friend is decidedly superior to the bill of the noble Lord opposite for this purpose. But is there anything in the means employed by the noble Lord which does serve the useful purpose of making a salutary registra-

tion bill, and which ought to be adopted? My noble Friend defines the franchise. The noble Lord proposes to leave the franchise undefined. Is it possible to doubt there is anything more important, any duty more sacred for the Legislature to perform, than to give a clear and precise definition of the Irish franchise? I will not go into the question whether the minority of the judges ought to be bound by the majority. I do not pretend to speak of it as a lawyer. I might ask some questions; I might make some distinctions which I would be glad to hear solved ingenuously by the hon. and learned Gentleman who has just sat down. But I will not go into the question. We have the plain fact, that eight judges are for one definition, and four for another; twelve or fourteen assistant barristers take one view of the question, and eighteen or twenty take an opposite view. What was the law in 1840, is not the law in 1841; what is the law on one side of the stream, is not the law on the other side; what is the law before the Chief Justice, is not the law before the Chief Baron. Is it possible to conceive a state of things more scandalous than this? Why resist any attempt that should be made to settle these difficulties. Is there any more sacred debt from a Legislature to a people, than to give definite laws? Is there any part of the law more important than that upon which the making of all law depends? In Ireland, this part of the law is in a state utterly undefined, and you leave it in that undefined state, and then you complain of those very offences for which you yourselves are responsible. Well, under these circumstances come forward two parties of the Legislature, the noble Lord on the one side, and my noble Friend on the other. The latter ascertains the franchise—he fixes the law. The law of procedure becomes simple and efficient—there is no vexation caused to the rightful claimant—the wrongful claimant is at once removed. My noble Friend guards against perjury by abolishing the taking of oaths. Fraud and personation, to quote the phrase of the hon. Member for Coleraine, vanish at once. But what does the noble Lord? He comes forward with his bill, and he leaves the substantive law in the state of perplexity in which he finds it. He then sets to work on the law of procedure, and makes it ten times more embarrassing than it was before, and the effect is what we might suppose—it produces phenomena so

strange, restriction so extravagant as hardly to be paralleled in all legislation. One of these phenomena was alluded to by the right hon. and learned Gentleman, the Attorney-general, and it is even more extravagant than it was represented by him. In the county of Dublin, for instance, if there is an objection established against a vote tried before the assistant-barrister, there lies an appeal from him to any one of three courts which the rejected claimant may choose, each of which courts takes different views of the subject. The fact is, the Court of Exchequer always decides in favour of the beneficial interest class of claimants, and the Court of Queen's Bench in favour of the solvent tenant test. The effect of this system is, that whoever is objected to in the court below is sure of victory in the court above. The decisions of the assistant-barrister for Dublin are certain of being carried out by the rule of contrary. It would be a curious and strange case of casuistry to point out how the assistant barrister for Dublin is bound to decide on this question. If he decide according to his opinions and the dictates of his conscience—his decision is sure to be reversed in the courts above—should he decide contrary to his opinions in order to have that decision reversed, and the effect produced, that he felt it his duty to bring about? Is this a mere oversight? No. This is one of the effects of the attempt to proceed with the substantive law undefined. All the objections of the noble Lord to my noble Friend's bill resolve themselves into one—the principle of finality. The question is, will you disturb the Reform Bill? I will not at present go into that subject generally. I will not go into that subject generally, I say, because I propose to reason on this question upon those principles which are held by all those Conservative Gentlemen that I have the happiness of knowing. I propose to reason on Conservative principles, and if on those principles I cannot command the assent of Gentlemen opposite, I will not appeal to the principles of popular rights and popular liberties. I will admit, that the Reform Bill ought to be continued inviolate, that it ought to be in full force in Ireland. Is it in force in Ireland? Certainly not. If the meaning of the Reform Bill be that the beneficial interest test be applied, then the Reform Bill is not in force, for there are counties where the solvent tenant test is applied. Is the meaning of the Reform

Bill that the solvent tenant test be applied? Then, also, is the Reform Bill not in force, for there are counties where the beneficial interest test is applied. These things are changing backwards and forwards, and the counties in which the beneficial interest test was applied last year are different from the counties in which it is applied this year. Now, if any person would define such a principle, is it by leaving all things as they are? Such a state of things amounts to finality. From an exceeding aversion to change, you uphold a system with a principle which is ever changing. I speak to reasonable advocates of finality—to Gentlemen who use the word only in the sense in which any man, Conservative or Whig, ever used it. When they talk of finality, is it not that a certain act should stand unrepealed in the volume of the statute book? This then is the course pursued, to give to fluctuation such as was never known among a civilized people, the name of stability—and then if the friends of finality come forward to close this eternal whirl of revolution, to cry out, that we are unsettling the stability of our institutions. Stability! When there was one law in September and another in May; one in Cork, and another in Mayo; one system upheld in the Court of Queen's Bench, and another in the Court of Exchequer! Stability! When the constituency of a county may be 2,000 or 4,000, as Mr. Baron This, or Mr. Justice That, shall have a fit of the gout before the next assizes! The question is not between change and no change—the question is between unchange and eternal succession of changes—between one change made by the Legislature, and a succession of changes made by the courts of law. Now, I conceive all reasonable Conservatives will acknowledge one change to be better than a hundred. I conceive we all agree, that changes in the Constitution ought to be made in the Legislature, and not in the courts of law. Consider in what a situation you place the courts of law. Is it possible to imagine anything more shocking to any person of just feeling, than that when the judges meet to settle what circuit they shall take, they determine which counties shall have a democratic franchise, and which a restricted one? It is impossible but that it must deprive the judicial body of the respect of society. [Mr. Shaw: *Hear!*] I am glad to hear the right, hon. Gentleman cheer me, but I fear I shall find him op-

posing the only efficacious remedy. I do say I can conceive no system more pernicious than that a Government should depend on the feelings of individual judges, and that when a new judge is appointed, it should be said, "We have got a new judge. We have lost Kerry, but shall have a change in Sligo." Is it possible to conceive a system so opposite to morality and to all good feeling? Vote for my noble Friend's bill, and you will be out of this situation in three months. I say the necessary effect of such a system is this, that our free constitution and the administration of justice are alike in danger. You have, on the one hand, the Constitution quibbled away by the subtlety of the bar, and, on the other hand, you have the judicial tribunal agitated with all the violence of the hustings. The greatness of this evil is not disputed, and how does the noble Lord deal with it? My noble Friend furnishes a measure which will at once put an end to it. It is impossible after my noble Friend's bill passes, that the question can divide the bench of Ireland longer. The noble Lord leaves the question unsettled. He only plunges the judges deeper and deeper into the mire, and gives them a greater number of questions to try, in which the precise difficulty arises. Of all the persons who can complain of the noble Lord's bill, there are none who ought to complain so much as the judges. The noble Lord, Sir, can feel for your situation. He addressed you in words to the feeling of which every Gentleman of both sides of the House will respond, and which I would attempt to repeat, could I give them with the same grace and propriety; but in thinking of your situation, Sir, he forgot the situation of the judges. Consider how different the cases. The noble Lord, who scruples to give to a person who ought to be impartial, the nomination of the persons who are to decide questions of registration, has no scruple to give the power of deciding political cases to persons whose reputation, of all others, should be the least sullied with the taint of partizanship, and the least subject to suspicion. To me, it seems beyond all doubt, that if the noble Lord's bill passes, there will not be, in a short time, a judge in Ireland, however pure his intentions, or however great his sagacity, who will not be called an oppressor or a demagogue by the one party or the other. Now, to sum up, it appears to me, that the bill of my noble Friend will

exclude those, who under the new system, will not have a right to vote, while it will admit the greatest facility to those who will have that right; that it will substitute certainty instead of doubt, and rescue the judges from the most calamitous position in which they are placed. The bill of the noble Lord will not do this. It provides no security against the intrusion of wrong claimants, and throws every imaginable difficulty in the way of the rightful claimant, and it leaves doubt, and change, and revolution, where it found them. Instead of telling the judges what is the meaning of the law, it leaves it unsettled, and gives them another set of questions to decide. I think, whatever parts of the evil system the noble Lord has touched, he has only aggravated them. He has left it uncertain, that it may be more oppressive; he has degraded the judges, that he may disfranchise the people; he has provided a machinery which, where it detects one perjury, will introduce twenty. I hardly know on what principle the noble Lord can vindicate his bill. This is the bill which the noble Lord places side by side with others; and this suggests to me a topic on which I will say three or four words. The noble Lord misrepresented yesterday the whole nature of his bill, and of its relation to ours, and their relative relations to the franchise. He said his bill and ours, considered as bills of registration, were not essentially different, but then, says he, "comes the franchise as a tack;" now that I utterly and altogether deny. I say, the rule laid down, with respect to the franchise, is the essence of our bill. And I say, when the noble Lord brings forward a number of clauses of my noble Friend's bill analogous to clauses of his own, and says if there were oppressions in my bill, why place them in your own? the answer is, that having that franchise clearly ascertained in the Government bill from one end to the other, it turns that which in the noble Lord's bill would be a source of litigation and mischief into that which may be efficient and useful. As to the feeling, Sir, with which these bills are regarded in Ireland, though I may regret the warmth with which persons in that country have sometimes expressed themselves, I think it right to make the most ample allowance for this, because I am satisfied the question is—shall Ireland have the reality, or only the name of an electoral system? In the decision of that question, Sir, public order is as deeply interested as public li-

berty. And I was glad to observe, that the hon. Member for Cavan expressed the opinion, that any great restriction or diminution of the number possessing the elective franchise in Ireland would be a serious calamity to the country. We have lessons enough to prove it to us—lessons many of which are not forgotten. It is unnecessary to state, after the warnings we have had, that great bodies of men, that all nations, when debarred from those organs which the Constitution gives them, will certainly find other organs more formidable. It is unnecessary to look back any great length of time for the effect that would [be produced, if Limerick, Cork, or Mayo, were represented in this House by chiefs of the Orange Society, or by those of the old Dublin corporation. [Oh!] Some Gentlemen, who make that cry, may remember 1829; they may remember, that when there was not a single Catholic in either House of Parliament, even the Duke of Wellington shrunk from conflict with the excited population of Ireland. They might learn the same lesson from other times. The time when the Catholic question was settled was a time of peace. There have been times different from that—times when England has been forced to struggle with formidable enemies to maintain her place among the nations of Europe. It was so during the American Revolution and the French Revolutionary war. During both we endeavoured to govern Ireland like a conquered province, and what was the result? During the American war the Irish wrung from you in your own despite an acknowledgement of the commercial independence of Ireland. During the French war, they engaged in a fatal and calamitous struggle for independence. Happily it failed, but if Lord Duncan had not fallen in with the Texel fleet—[Oh! oh!] There was such a man, and such a fleet. If a great French army had landed in Munster, in that struggle, it would have tasked to the utmost the energies of England. This calamity had, however, been arrested by an unmerited and an unrequited interposition of Providence; but, comparatively favourable as was the result, was it, he would ask, no small evil, that whilst the French nation were pushing their arms in conquest beyond the Rhine and the Alps, England not emulating the glories of Blenheim, nor anticipating the triumph of Waterloo, was bent only on making war upon her own subjects? Was it no small evil, that whilst Macdonald and Massena were extending

their conquests beyond the Alps and the Rhine, our Cornwallis and Abercrombie were displaying their valour and directing British arms in hostile collision with men, who under a better system they might have been leading to victory against the common foes of their country. But the retribution which ensued was just, natural, and inevitable; so true is it that a government which seeks safety and security by injustice, must seek it in vain. Let us not, therefore, fall into the same error now, but listen, while it is yet time, to the call of the people of Ireland; a generous and noble-minded people; let us listen and respond to their call, not insult them with a brand the most odious to all noble and generous natures—not press the iron of oppression into their very souls—not exasperate them with that most odious form of tyranny—the tyranny of caste over caste, and creed over creed. Let us reject the evil councils of the oppressor, and by so doing wrest the most formidable weapons out of the hand of the agitator—in a word, let us endeavour to preserve and cement such an union of feelings between the sister island as shall give stability to the legislative union already existing, and which nothing will thereafter endanger but actual misgovernment. Let us convert that part of the empire, which has so often been the seat of weakness and disgrace, into a source of glory and strength—let us endeavour to strike terror into the hearts of all those, be they in what part of the globe they may, who either hate or envy our noble country—and let us do so by firmly uniting twenty-seven millions of devoted British hearts in irresistible array under the same equal laws, and under the same parental Crown.

Debate again adjourned.

HOUSE OF COMMONS,

Wednesday, February 24, 1841.

[MINUTES.] Petitions presented. By Viscount Acheson, Mr. O'Connell, the O'Connor Don, Lord Clements, and several other Members, from Armagh, Roscommon, Louth, Down, and a great many other places, in favour of Lord Morpeth's Irish Registration Bill.—By Mr. Fox Maule, Mr. Elliot, the Attorney-general, and others, from Dundee, Erskine, Roxburgh, Edinburgh, and other places, for the Abolition of Patronage in the Church of Scotland.—By Mr. M. Phillips, from the Leeds and Manchester Railway Company, for the Reduction of Tolls on Railways.—By Mr. Craven Berkeley, from Rational Religionists in Cheltenham, for an Inquiry into their Doctrines, as a remedy for grievances and discontent.—By Major Macnamara, from the Board of Guardians in Ennis, that the number of the Assistant Poor-law Commissioners might be reduced.

POOR-LAW—ASSISTANT COMMISSIONERS.] Mr. *Charles Hamilton*: the noble Lord, the Secretary of State for the Colonies, is doubtless aware of the general nature of the question I have given notice of, and I am equally aware of the reply that I shall in part receive; but, although I know that, under the 2nd section of the New Poor-law Act, assistant commissioners have the power of summoning individuals and examining them on oath, I trust they have not the sanction of the noble Lord in exercising those inquisitorial powers that I have now to complain of. I shall not, however, occupy the time of the House, but with its permission will read an extract from a letter which I have received from a magistrate of the county of Bucks, which will at once put the noble Lord in possession of the nature of my query. The writer is a most intelligent magistrate of that county, and not, as the noble Lord may suppose, an ultra-Tory or Radical, and therefore, as a matter of course, opposed to the New Poor-law bill; but, on the contrary, a general supporter of that measure, and in his political creed a good sound Whig. The writer says—

“The question I wish to put to Lord John Russell is, whether, when he gave powers to the assistant Poor-law commissioners to examine on oath, he ever contemplated their carrying on private examinations into matters cognisable by the common law of the land, and especially whether he ever anticipated that they should put men upon a species of trial, hearing witnesses on oath against them, and not allowing them any legal advisers in matters which, if proved, would blast their characters and make them liable to severe penalties under the common law? That they do this sometimes I can prove, as I have a large mass of evidence in my possession, that has been so taken against a most respectable man, he being charged with embezzlement; it is now some weeks since he was thus tried, and is as yet in complete ignorance of what may be the issue of this unconstitutional species of attack upon his good name. He of course is most materially injured by it, and has no means of redress. The writer proceeds to say, that he considers there is much ‘good in the New Poor-law, but where it works well it works in the teeth of the commissioners; whenever the guardians carry out literally their rules it is most oppressive.’”

I think the noble Lord will allow that the question I have ventured to ask is not an irrelevant one, that it effects the constitutional liberty of the subject, and, that according to the answer of the noble Lord many Members will be guided as to the

vote they shall give when that clause of the new bill relating to the powers of the commissioners comes under the consideration of this House.

Lord *J. Russell* said, that with respect to the power of the Poor-law commissioners to take evidence on oath, it was given them by the act, and it was therefore unnecessary for him to give any other answer. With respect to the propriety of exercising that power, he might, with equal propriety be called upon to discuss any other provision of the bill by way of question. It seemed to him that there might be certain questions in which it would be proper for the commissioners to examine in this manner. Whether in this particular case there had been any abuse of power he was unable to state, not knowing the circumstances which, perhaps, on the discussion of the Poor-law Amendment Bill, the hon. Gentleman would state to the House.

PARLIAMENTARY VOTERS' (IRELAND)
—ADJOURNED DEBATE—(THIRD DAY).]
The Order of the Day for resuming the adjourned debate having been read,

Mr. *Brotherton* said, that in declaring his own wish that justice should be done to Ireland, he also expressed the wishes of the majority of his constituents. It might be a question with some Gentlemen, whether or not the complaints of the people of Ireland were well founded; but if they were so, what just man would refuse to listen to them and to grant redress? On this point he begged the House to consider the state of the constituency of Ireland, as compared with that of England and Scotland. He found that the proportion of electors to the population, in England, was one in twenty; in Scotland, one in twenty-six; while in Ireland it was only one in seventy-two. He found, that in England the proportion between the representatives, and the represented was one to every 30,000 inhabitants; in Scotland, one to every 44,000; but, in regard to Ireland, there was but one representative to every 75,000. He was not disposed then further to curtail the elective franchise, or to increase the disproportion already existing between the two countries. His belief was, that the bill brought in by the noble Lord, the Member for North Lancashire, would have the effect of curtailing the franchise, and on that ground alone the people of Ireland had a fair and

just complaint against the measure. On the other hand, the bill which had been introduced by the noble Lord, the Secretary for Ireland, appeared to him one that would not only give satisfaction to the people of Ireland, but it would also give satisfaction to the people of England. In his opinion it would tend to unite more closely the two countries, and increase the prosperity and happiness of Ireland, as well as of England. For his own part, he had no hesitation in saying that he was opposed to the Repeal of the Union. He would never give his consent to the Repeal of the Union under any circumstances; but at the same time he thought, that it was a matter of some importance to have it in their power to refuse unreasonable and unjust demands, by complying with those which were reasonable and just. He was ready, therefore, to do justice to Ireland, but he would never agree to the two countries being disunited. He considered it good policy to grant graciously what they could not refuse safely. It did appear to him, that the present important measure involved the question, whether Ireland should be governed by conciliation or by coercion, and whether Ireland was to be considered as a member of the imperial family, or treated as an alien and an outcast. The bill, he believed, would put an end to the system of perjury and fraud which was said to exist in Ireland; it would put an end to the endless litigation in the registry courts; and it would tend to promote a better understanding than what had hitherto existed among the different classes of society. Seeing, then, the great benefits that would arise to both countries from the pressing of the present measure, he had no hesitation in giving it his most cordial support.

Mr. *Milnes* hoped that the House would permit him to say a few words in explanation of the vote which he intended to give on the bill then before the House. He was the more anxious to do so, in consequence of the misrepresentations to which the noble Lord the Member for North Lancashire, when he introduced a bill of a different nature, had been subjected, misrepresentations which every supporter of that noble Lord's bill should be prepared to bear. He felt the greatest anxiety that this great and important question should be finally settled; and he sincerely regretted that her Majesty's Government had brought forward a measure which must, as

they all knew, prevent that felicitous conclusion. They had heard a great deal during the debate of the difference between the detail and the principle of the bill, and a spectator or reader of the debate would have much difficulty in distinguishing the one from the other; for while one party had maintained that the alteration in the franchise was a matter of no importance whatever—that it was simply and accidentally tacked to the bill, by another party it was maintained the whole bill rested on it—and to such an extent was that inconsistency carried, that his right hon. Friend the Member for Edinburgh commenced his speech last night by stating that he considered the amount of the 5*l*. franchise as a matter of no importance and almost irrelevant to the subject, and concluded by saying that the franchise itself was the great principle of the bill. He must, however, express his belief that the common sense, both of the House and the country, regarded the amount of the franchise as the principle of the bill, and the manner of rating as one of its details. As to the matter of detail he must state to the House that supposing the Poor-law in Ireland to have become an organised system, instead of being the commencement of an experiment, he did not see but that it might be a more fair and just foundation for the franchise than any other system that could be devised. But when they heard such variations as those that had been made in the valuation of land in Ireland, and how totally inconsistent they were with one another, he could not say that he could agree even to that point of detail at the present moment. There were also inconveniences attached to that mode of rating, which he did not think could be satisfactorily got over according to the bill of the noble Lord, and in that respect he could point to the contrast between the bill of the noble Lord the Secretary for Ireland, and the bill which the hon. Member for Monaghan (Mr. Lucas) presented last year. Between those two bills there was this most important distinction, that while under the bill which the noble Lord had brought forward a voter might perchance not possess the interest of a single shilling in his tenancy, which gave him the right to vote—that in fact it was in every sense the right of the landlord and not the right of the tenant—the bill for the hon. Member for Monaghan vested that right in the occupying tenant and the occupant alone. In the position which he occupied in the House, it would

be impertinent in him to attempt to enter into the details of the bill, but he must say a few words as to the principle of it. Now, whether he considered the admissions made by his right hon. Friend the Member for Edinburgh last evening, or the contradictions of other Gentlemen who had spoken on the other side, he would appeal to the House and the country, whether the principle of the bill was not the augmentation and enlargement of the franchise in Ireland. Will you not have, and do you not intend, to have a larger constituency for Ireland than the Reform Bill gave it—that is the whole question. One point as to the introduction of the bill. If her Majesty's Ministers had really intended to pass that bill, so that it might become law—if they really felt the danger to be so imminent and pressing, they never would have brought that bill into the House with such a provision attached to it as they knew must prevent its now passing into law. He had no objection to the Ministers of the Crown bringing forward measures which they wish to become law, although they may be aware they cannot pass them at the time, in order to accustom the public mind to consider the subject, so that eventually the measure may become law. It was in that way that Roman Catholic Emancipation had been carried. It was in that way that the Reform Bill had become law; but were they to wait in this manner whole years for the bill of the noble Lord, when they had a measure in the bill of the noble Lord the Member for Lancashire, which they were ready to bring into Committee, and submit to any alteration which the House might think fit to adopt. He wished to impress upon the House that the Government had not brought forward this measure with any intention that it should pass into a law. It was evident they had some ulterior object in view, and as to what that might be every one must form his own opinion. One thing, however, was most remarkable throughout this debate, and that was the silence of the Gentlemen who took a radical view of political affairs. They seemed to have retired into silent self congratulation, for they saw that they had now got the Government on their own ground—on the road, he might more appropriately say the railroad of progressive reform. Before he sat down he would remark upon the conclusions that had been come to by his right hon. Friend the Member for Edinburgh, when he mentioned the possibility that the

great and loyal people of Ireland should join the enemies of the British Empire. When they remembered with what scorn Ireland had received such an imputation, at a time when the penal laws were heavy on her neck, when Emancipation was only a distant hope, could they for a moment think that that great people would forfeit their allegiance to the British empire, now that the distinctions of caste and creed were done away with, and Ireland and England formed one truly British empire. It was not by these means that Ireland was to be more closely attached to England, but by a mutual understanding of mutual interests, by the extension and perfection of that system of National Education which Ireland owed to that very noble Lord they now blindly calumniated, by the oblivion of those ecclesiastical disputes which had reared since the Tithe Bill of that same noble Lord had become law, a benefit which the miserable spirit of faction kept back from her for four years, but which she now enjoyed, and above all, by the silent operation of those influences which in other times, and other circumstances, out of the discordant elements of Norman and Saxon, built up the homogeneous greatness of the English people.

Sir W. Somerville said, that as the proposition then before the House was a new one, he trusted that he might be permitted briefly to state his views, and the reasons which would induce him to vote for the second reading of the bill. He had often expressed his opinion that in Ireland there never could be any sound and satisfactory system of registration until it was based upon a new footing. He could not help expressing his regret that the noble Lord who led the opposition to this bill should have stated that under no combination of circumstances would he give his assent to a rating under the Poor-law. He had hoped that however the details might be objected to, however they might think that the franchise was too low, all would be willing to support some plan for placing the elective franchise upon a sure and sound foundation. But however vast the improvement proposed, he was bound to say that it did not go to the root of the evil. The constituencies would continue to diminish from year to year. In Ireland there was a steady and rapid increase of prosperity—but there was an indisposition on the part of the landlords in that country to confer upon their tenants the means of

acquiring the elective franchise. That would still be in operation if the bill passed into a law, and they would find at last that the constituencies would have so dwindled, that the Legislature of this country would be compelled to adopt some plan to prevent the representation from being entirely on one side. He was very sorry to detain the House by entering into details, but he trusted the great importance of the subject would excuse him for putting the House in possession of the former and the present state of the constituency of the county of Meath. It was to be borne in mind that that county had the advantage of a near neighbourhood to the port of Drogheda, whence they had opened up to them the whole of the vast and important markets of Lancashire. In the year 1821, the population of Meath was 159,000—in 1831 it amounted to 176,000, and supposing they were to take the increase up to 1841 in the same ratio it would give a population of 193,000. Under the Reform Bill the constituency was 1,536; in January, 1841 it was no more than 1,263. Let them bear in mind, that in that period there had been a vast increase in the prosperity of the county, yet the falling off in the constituency during the eight years was no less than one-sixth—this was a serious deterioration, and was deserving of the best consideration of the House. The House was not then in possession of data, so that they must take his word for the fact; but Returns would soon be laid on the table of the House, which he doubted not would show that the constituency was not now so great as it was before the Reform Bill. It was a subject of complaint that the people were compelled to vote against their landlords. The fact was that they frequently did vote against them. If in Ireland political circumstances only were discussed upon occasions of election, that general opposition of the people to their landlords might excite some surprise. But, unfortunately, in that country those questions always took a religious turn. Incalculable mischief was caused in Ireland by the language used in that House. Conservative Gentlemen in Ireland condemned that language; but yet here it was made a trade to vilify the Catholic religion and Catholic clergy. Was it wonderful, then, that the people should say at the time of election that men were put forward as the enemies of the

clergy and religion, and was it wonderful that the Catholic tenantry should feel themselves, to a man, bound by their allegiance to their religion to oppose such candidates? Much mischief had also been done by the virulent language indulged in by the Conservative press of England. All the violent articles published in this country were inserted in the Irish Liberal papers, and the minds of the people became still more inflamed and exasperated against their landlords, whom they identified with the party which was so inimical to their religion. He did not go the length of expecting that the bill now under consideration would settle the question of the franchise, but it would do one thing—it would attempt to define it. He would not now stop to dispute the question of law. It was sufficient for his purpose to state that doubt existed—and that House was bound in duty to come forward and settle the doubt by defining the franchise. If it was to be defined by the solvent tenant test, let that be done; and if the mode of ascertaining the franchise by the beneficial interest was wrong, let them find out another test, but let them not leave the matter in doubt—if they did so, at their doors must lie the charge of fraud and perjury which the unfortunate people were subject to, and which they where actually led into by the state of doubt in which the matter rested. This much was clear, that whether there was to be a change in the value of the franchise or not, some change must be made. It was quite certain that the Reform Ministry in the year 1832 determined that the franchise was not to be ascertained by the solvent tenant test. A motion was made when the Irish Reform Bill was introduced to that effect, but it was rejected, and he reminded the House that when the Irish Reform Bill was before the House of Lords, Lord Ellenborough stated upon that point that they had introduced into the Bill a leasehold qualification, which is less than the freehold one as settled in 1829. Did not the Duke of Richmond say that the solvent tenant test was in effect a 20*l.* qualification? Did not Lord Lansdowne say that the solvent tenant test was a 20*l.* qualification? Yes, each of these noble Lords had said so. Did not Lord Roden divide the House of Lords on the motion for reinstating the original freehold qualification of the year 1829, and was not that motion lost?

The administration of justice was brought into contempt in Ireland, and the character of the Judges was daily lowered by the differences of opinion entertained by them on the question of the franchise. After having done so much to reconcile the people of Ireland to the administration of justice, after having given them confidence, that House was then undoing its own work, and losing the confidence of the people, while it allowed the administration of justice to fall into disrepute. The character of the judges of Ireland was at stake, and he called upon every well wisher of Ireland to lend his aid to stop the course of such a state of things, to remove all doubt from what ought to be the test of the franchise, and to relieve the judges from the possible imputation of being political partisans. One of the objections of the noble Lord to the bill was, to the bringing the Poor-law into operation in connection with a definition of the franchise. He did not see that the effect which the noble Lord anticipated of making the Poor-law a subject of political struggles, would arise from that arrangement. There was something, however, to which the noble Lord did not object, and which was worse in its tendency than that, and that was the making registration officers of the Judges. He was satisfied that no well-wisher of Ireland would do anything else than seek to remove any imputation being attached to the Judges. If the noble Lord thought that it was better to give the English Parliamentary registration to the people of Ireland, why did he not give the same Municipal Reform Bill to that people? Was it worth while to withhold that small boon from the people of Ireland, and thereby create great dissatisfaction in that country? The withholding of the boon involved a risk. Why, then, was it not extended to the people of Ireland? The noble Lord had stated, that exaggerated statements had been made with respect to his bill. He (Sir W. Somerville) had, both in that House and in other places, given every opposition in his power to it. Perhaps he had taken an exaggerated view of the mischiefs that would result from the bill, and if he had opposed it on any occasion in what seemed an unfair manner, he hoped the noble Lord would accept his apology. He should be very sorry to offer an unfair opposition to any measure—but he could assure the noble Lord that all the informa-

tion which he had been able to procure had not led him to change his opinions with regard to the incalculable mischief which would result from his bill. He solemnly protested, that it was his opinion that if that bill passed, there would not be twenty Liberal Members returned for Ireland. The property would be represented, but the bulk of the people would have no representatives. He was sure that was a state of things the noble Lord would not wish to see. The noble Lord had, in fact, stated as much, and he was bound to give every credit to that statement, but he must be allowed to judge of the effect of the noble Lord's measure by his own experience. He was not singular in his opinion. It was also the opinion of one of the most influential Conservative organs in this country. What did he find in a recent number of the *Standard* newspaper?

"The Irish registries are improving though not rapidly, and Lord Stanley's bill would purify them altogether, and give the Conservatives at least 80 out of the 105 Members."

This was certainly purifying them with a vengeance. His opinion was, that the *Standard* newspaper was below the mark. And how would the bill do this? A double appeal was quite enough to disfranchise anybody; but what he objected to was, that the freeholder would never reach the appeal courts, some parts of the counties being to his knowledge thirty miles from the assize town. Could it be expected he would go there? Could it be expected that a poor man would travel thirty miles to appear before a court of appeal, for the purpose of establishing his claim to the franchise? He believed that he would not. He recollected that when, in 1829, the right hon. Baronet the Member for Tamworth had brought forward a measure for the disfranchisement of the 40s. freeholders, and giving the appeal one way, the late Lord Farnham, a man who knew the Irish people as well as any Member of the House, said, that as regarded the poor freeholder, the appeal to the judge would be only nominal, on account of the expense that would attend it. It would cost him, he said, at least a half year's rent. He would put it to the House whether it would be fair to compel the freeholder to go thirty miles to substantiate his claim after it had before been sifted in the registration court, with an ingenuity of which many Members of that House could have no idea? It was his

opinion, that a provision of such a nature would have the effect of totally disfranchising the Irish constituencies; and he hoped that the noble Lord opposite, before he pressed that bill, would give it again his serious consideration. They had heard a good deal of the courage of the noble Lord, but courage was sometimes better evinced by moderation than in aggression. He would conjure the noble Lord if he had the welfare of the country at heart, as he was sure he had, to pause before he pressed a bill which was opposed to the wishes of the entire Irish nation. He said the entire Irish nation, although he was aware that petitions had been presented from Belfast and other parts of Ireland in favour of the measure. He was aware, too, that petitions of a similar nature had been presented from Liverpool and other parts of England; but he was afraid that if the bill had not a tendency to restrict the liberties of Ireland, they would never have heard of those petitions. The noble Lord had stated that his bill would admit the independent body of electors. At the passing of the Reform Bill the noble Lord stated that the forty shilling freeholders were disfranchised, because they voted at the beck of the landlord; but now the noble Lord stated, that he refused the franchise to a number of people because they would not vote at the beck of their landlord. The noble Lord was difficult to please, and so the franchise of the Irish people was to be frittered away, and when any bill to improve the present system was introduced it met with unqualified opposition. He should cordially give his vote for the second reading of the bill before the House, and should give the bill of the noble Lord opposite his decided opposition. It had been said, those matters that were complained of in the noble Lord's bill might be altered in Committee. That would be a very good argument if the principle of the bill could be tolerated, but when the bill would go far to disfranchise the entire community, as he thought, was he not justified in offering every opposition to the bill in his power, rather than place such mighty interests in jeopardy. It was right that the House should have a sense of the magnitude of the interests now at stake. If the noble Lord's bill passed—and it was right the truth should be told—it was right the Government should know the truth, and it was right the right hon.

Baronet opposite (Sir R. Peel) should know the truth—if the noble Lord's bill passed, they must be prepared to govern Ireland by other means and with another weapon than public opinion. It was his firm belief, that if the House passed the bill of the noble Lord opposite, all attempt at conciliation in Ireland by means of public opinion would fail. He should oppose that bill, because he did not wish to see such a state of things, and because he was attached to the Union between the two countries, as long as it could be maintained beneficially for both. He had not been afraid to express that opinion—he had adhered to it through good report and through evil report, because he thought that the Union, if maintained upon a basis of equality, would tend to the advantage of both. It was his wish to see the experiment which the Government was now making successful, and to be a witness of the progressive improvement of Ireland, in conjunction with the improvement that the Union of the two countries was calculated to confer on both, and not to rest on any weapon except public opinion. Therefore it was, that, not offering any factious opposition to the bill of the noble Lord opposite, he felt bound from the first to resist it—he must, therefore, continue to give it his most strenuous opposition, and he was convinced that the best way of doing so was to support, independently of the merits of the bill itself, the bill of the noble Secretary for Ireland. He could not conceal from himself that the rejection of that bill was tantamount to the adoption of that of the noble Lord.

Mr. Sergeant *Jackson* was not surprised that the speech of the hon. Baronet who had just addressed the House had been received with approbation. It had been delivered in a tone of extreme moderation, and was characterized by great candour and fairness, and it was gratifying to find that this important subject was likely to be debated in such a tone and spirit. The hon. Baronet would, however, excuse him for saying that he had followed a bad example. He had followed in the footsteps of the right hon. Gentleman the Secretary at War, and had made the bill of his noble Friend, the Member for North Lancashire, the subject of debate, rather than the merits of the bill of the noble Lord the Secretary for Ireland. The hon. Baronet and the Secretary at War had assailed the

bill of his noble Friend, and had directed their arguments particularly to that clause which gave an appeal from the decisions of the Assistant-barristers. But there was no new principle in that clause, for although the hon. Baronet and the right hon. Gentleman seemed to forget the fact, yet the existing law of the land did give an appeal to the judges of assize in one way. At most this was only an extension of the principles already in operation, and an extension which, in his opinion, must be productive of advantage. Nay, more—the bill of the noble Lord, the Secretary for Ireland itself, did profess to give a sort of appeal both ways, and it was, therefore, obnoxious to all the objections which had been made against the bill of his noble Friend by the hon. Baronet and the Secretary at War. The hon. Baronet had said that the bill of the Government defined the franchise. That, however, he must utterly deny. Instead of declaring the law defining the franchise, or removing the doubts which existed upon the subject, the bill of the Government entirely displaced the existing qualification, and substituted a new one completely at variance with the principles of the Reform Bill. The bill of his noble Friend was not, as had been said, hostile to the principle of rating under the Poor-law as a test, nor was his noble Friend himself adverse to the adoption of that test. On the contrary, his noble Friend, as well as many hon. Members on his side of the House, thought such a test desirable, in order to get rid of the swearing which was at present resorted to. What they objected to was its proposed application to land, because so to apply it was contrary to the principles of the Reform Bill. When the hon. Member for Mallow first proposed to adopt the test of rating under the Poor-law, he for one was delighted. That hon. Gentleman also applied the test rightly. He applied it to the interest which the party claiming had in the land, as he put the franchise at 8*l.* over and above the rent and other outgoings. He wished to remove another misapprehension under which the hon. Baronet, for whom he had the greatest respect, seemed to labour. The hon. Baronet had said, that his noble Friend, the Member for North Lancashire, was inconsistent with himself. He said that his noble Friend had disfranchised the 40*s.* freeholders, because they were too dependent on their landlords, and

that he now refused to enfranchise the 5*l.* holders, because they were not likely to be under the influence of those from whom they held their land. Now, the fact was, that the very reverse was the case. His noble Friend had disfranchised the 40*s.* freeholders, expressly because they were too dependent on their landlords, and in the same way he now refused, and for the same reason, to enfranchise the 5*l.* tenants; for there could not be a doubt, that having no interest whatever in the soil, they would form a still worse constituency than the 40*s.* freeholders. Now, having said thus much on the misapprehensions of his hon. Friend, the Member for Drogheda, he should proceed to make a few observations on the speech of the right hon. Gentleman, the Secretary at War. He owned that he had been greatly surprised to hear the eloquent address with which that right hon. Gentleman had treated the House. He had followed his hon. and learned Friend, the Member for Exeter, who had addressed the House in one of the most argumentative and conclusive speeches which he (Mr. Sergeant Jackson) had ever heard addressed either to that or to any other assembly. It was a plain, simple, unambitious speech, which rendered the whole matter in dispute clear even to the meanest capacity. And how had his hon. and learned Friend's speech been answered? He was amazed that any Gentleman, especially one of such high character and attainments as the right hon. Secretary at War, should have thought it expedient, in so important a debate as the present, to follow his hon. and learned Friend with a piece of mere empty frothy declamation. The objection which the right hon. Gentleman had taken to the bill of his noble Friend, the Member for North Lancashire, was this:—"The appeal given by it is monstrous. Did any one ever hear of a reinvestigation being granted in a civil action, even where the verdict was obtained by fraud and perjury; and if a reinvestigation be not granted in such a case, will you give it in a matter of franchise?" Now, in reply to that objection, he would state at once, that the right hon. Gentleman ought to have been better acquainted with the law of the land than to have made an objection so utterly untenable. The right hon. Gentleman had once been in the legal profession himself, and had, of course, been eminent in it, as he must be in every pursuit to which he directed

his attention. But, with all deference to the right hon. Gentleman, he must observe, that his observations on that part of the subject betrayed the most profound ignorance of it; for if a verdict in a civil case were obtained by fraud and perjury, and if the party complaining of that verdict found out evidence, of which he was not aware at the time of the trial, demonstrating the evidence given on the trial to be a tissue of fraud and perjury, and if he made affidavit to that effect, it was the every day practice in Westminster-hall, and also in the Four Courts in Dublin, to grant a new trial, on the ground that the verdict had been obtained by surprise, by fraud, and by perjury. The right hon. Gentleman, however, had gone even still further. He had said, "Suppose it were a case in which lands were to be recovered; did any one ever hear of a reinvestigation having been granted in such a case?" Now, he must tell the right hon. Gentleman, and he spoke in the presence of hon. Gentlemen on both sides of the House well versed in the profession of the law, that that was the very case emphatically in which investigation and reinvestigation were granted *toties quoties*, even where judgment had been entered against the party. Ay, even where a dozen judgments had been entered, you might have a reinvestigation by new actions of ejectment. It was necessary, however, to turn away from such topics, and to approach the real question at issue. Let no man imagine that the House was discussing here the principle of the bill in the sense in which the principle had been stated by the supporters of her Majesty's Government. On that point the noble Member for Northumberland had fallen into a mistake, into which he had been followed by other hon. Members. The noble Lord had supposed the principle of this bill to be not what his noble Friend, the Member for North Lancashire, had correctly stated it to be, but to be simply this:—first, whether it should contain a definition of the elective franchise; and, secondly whether the Poor-law valuation should be taken as the standard by which to determine it. He apprehended that the noble Member for Northumberland was utterly mistaken. He had already stated, that this bill contained no definition of the elective franchise, and had given his reasons for making that statement. It merely stated that every tenant rated to the

poor-rate at 5*l.* should have the elective franchise. The real question, and the real principle involved in the bill were this:—

“Is occupancy to be substituted as the ground of the franchise for county electors instead of the property qualification proposed by the Reform Bill.”

He had said before, on the subject of taking the Poor-law valuation as the standard of value for the franchise, that that was not the question then before the House. Hon. Gentlemen on his side of the House were perfectly content to adopt such a standard, for they would then have two elements, by which they could test the elector's right to the franchise. You would find him rated to the poor-rate for a tenement—say, at 20*l.* Then you would have a right, and the registering barrister would enforce it, to call upon the claimant of the franchise to produce his lease; and if, upon the production of the lease he was found subject to a 10*l.* rent under his lease, the registering barrister would say at once, “Register this man.” He was saying this upon the supposition that the poor-rate valuation was made fairly, impartially, correctly. He would not say it on the precious valuation which had been recently made for some parts of Ireland. But he would say—and he had no doubt but that his noble Friend the Member for North Lancashire would say the same—that if the valuation were made fairly by a valuator upon his oath, you would have an unerring test for the registration of every claimant's right to vote out of the property for which he claimed. Let no man suppose that hon. Gentlemen on his side of the House objected to the establishment of such a test. Looking closely, as he had looked, at this bill, he must declare that it was quite a curiosity. He had some slight guess at the way in which it had been brought up to its present shape. It had all the appearance of having been originally intended for two distinct measures. There were two sets of clauses in it. The clauses from one to eighteen inclusive related to the qualification of the electors. At the nineteenth clause began the clauses regulating in detail the registration and its revision. Each of these classes of clauses began with a recital. The recital in the nineteenth clause was as follows:—

“And whereas an act was passed in the

Session of Parliament held in the second and third years of the reign of his late Majesty King William 4th, entitled ‘An Act to amend the Representation of the People of Ireland,’ containing certain provisions for the registration of voters for the election of Members to serve in Parliament for counties and boroughs in Ireland; and it is expedient that other provisions should be made, as hereinafter mentioned, relating to the registration of persons entitled to vote at such elections.”

That was an honest and fair recital; for it stated the necessity of altering the Reform Bill for Ireland, and proceeded to alter it accordingly. But the other recital in the bill was neither honest nor fair; for it stated that

“Doubts and difficulties prevailed with respect to the mode of ascertaining the qualification of persons in actual occupation claiming to be entitled to be registered and to vote as Parliamentary electors in Ireland in respect of freehold and leasehold property,”

and yet contained no declaratory enactment to settle those doubts and those difficulties. Any one who had been in the habit of examining documents prepared for the press must see a change in the type and in the mode of leading it in the sixth and seventh pages of this bill, which pages contained the nineteenth clause, and some of those immediately preceding it. It was quite evident from this difference in the type and in the printing, that before her Majesty's Ministers had thought of introducing this, their new-fangled scheme for altering the Reform Bill, they had prepared a bill for amending the registration; and that afterwards, when they had determined to splice their new scheme upon that bill, they had altered the leading of the clauses in pages six and seven, so as to make the matter which was originally intended to form but one page, cover two pages. As to the motives of her Majesty's Government in proposing this new Reform Bill for Ireland—for such it undoubtedly was—he could only make a guess at them. He conjectured, that finding themselves reduced to a pinch by the present posture of their affairs—feeling their position compromised by the issue of so many recent elections, and pressed hard by the dread of collision among the hon. Members who formed the heterogeneous mass of their supporters, they had thought it expedient to throw out to them this lure, “We will alter the Reform Bill first in Ireland.” And now they were prepared

to take a division on the second reading of this bill in order that they might hereafter be enabled to say, "See how we wish to carry our principle, and to make a change in the Reform Bill." But would they carry the bill further than the present stage, if they succeeded in carrying it so far? They had no notion—no man had any notion, that this measure of theirs would pass the other House of Parliament. He would venture to say, that if they carried the second reading, they would not move the bill into committee, either this week, or next week, or the week after; in short, that they would not take another step in it till after Easter. Every one knew that this experiment could not succeed. Some of their friends of the press had even told them that the measure was a mere make-believe. Even some Members in that House who were prepared to support them on the second reading had told them frankly, that they would not go along with them in the *5l.* franchise. He likewise knew that some hon. Members were inclined to vote for the second reading, under a mistaken notion of what they ought to do. The noble Lord the Secretary for Ireland had used this language to the House:—

"I think an annual revision of the registry desirable. I think a double appeal desirable on matters of law, both as affecting the exclusion and the admission of electors on the registry. I think the abolition of the certificate also desirable."

Yes, the noble Lord admitted all these points to be excellent, after all the clamour which he and others had directed against his noble Friend the Member for North Lancashire for proposing them last year. He recollected well that his noble Friend was called "Scorpion," "destroyer of the union," "enemy of Ireland, with a heart as black as his own venom," and yet the noble Secretary for Ireland, now came down to Parliament and said, "These are all excellent things which the noble Lord has proposed, but I will not give you one of them unless you consent to give me a franchise based on a *5l.* rating." "That," said the noble Secretary, "is the essential ingredient of the bill; on that is founded its only hope of success." Acting upon the same principle the right hon. Secretary at War, had also let the cat out of the bag last night. He had said, "Those are mistaken who think that the *5l.* rating is a mere tack on the bill; it is the very

essence of it." His right hon. and learned Friend the Attorney-General for Ireland, had also thought fit to assist this delusion. He had told that House that it was a question for the committee; "the only question," said he, "on the *5l.* rating clause is a question of amount—you see that the '*five pounds*' is printed in italics." But were these words printed in italics—namely, that any person "who shall be in the actual occupation of such property shall be entitled to be registered, and to vote as a Parliamentary elector for such county?" It was quite clear from the part of the clause he had just read, that it was intended to confer the franchise on the occupation of property which was rated at *5l.* to the poor-rate. He contended that every Member of Parliament attached to the monarchical constitution of England as opposed to the democratical principle which was now abroad and daily gathering strength, was called upon to resist this measure to the utmost and to lend his aid in throwing it out on the second reading. He said, that the gentlemen of England were as deeply interested as those of Ireland in its failure or its success. If this measure were passed for Ireland it must be introduced also in England. Would they not be hearing every day exclamations from Englishmen "Why is Ireland to be allowed to swamp us? Why should not we have the same advantage as that which the people of Ireland derive from the possession of the *5l.* franchise?" It was only necessary to look back to the discussions on the Reform Bill to see what ought to be done on the present occasion. He found the late Earl of Durham, a reformer of the first quality, rejoicing that only one-third of the voters under the Reform Bill would possess a franchise so low as *10l.* He found the Marquess of Lansdowne rejoicing that in towns there would be more *15l.* than *10l.* householders amongst the electors. He found Earl Grey, the head of the administration of that day, describing the Reform Bill as a settling of the question of reform, and as a resting place for the constitution, in which it would not be disturbed by new revolutions. It was, therefore, passing strange to hear that her Majesty's present Government should now come forward to alter that settlement, and not only that settlement but a previous settlement, which was made respecting the *40s.* freeholders in Ireland in 1829.

Now, if a change were to be made, a case of strong necessity ought to be made out to authorize a change so violent as that which this bill proposed. What, then, was the necessity pleaded here? It was said that the constituency of Ireland had greatly decreased. Had that proposition been made out? Had the constituency been really reduced to such an extent as to render it necessary to repeal the Reform Bill? The return on their Table proved no such thing. His noble Friend the Member for North Lancashire, on introducing the Reform Bill calculated the constituency of Ireland at that time at 52,000. At present the county constituency of Ireland was 47,987 in excess of that number. In the borough towns there was another excess of 37,300, making a gross excess of 75,287 over the calculation of the noble Lord. He had himself also taken some trouble in obtaining returns on this subject. His hon. Friend the Member for Drogheda, who resided in the county of Meath, had read a return of the numbers of the constituency for the county. He had also got a return from the county of Meath. His hon. Friend had stated, that in 1832 the constituency of Meath was 1,500, and that it was now only 1,300 odd. He had a return before him, which came from a barrister much versed in registration in different parts of Ireland. That return agreed with his hon. Friend's as to the numbers in December, 1832, but it gave him a number exceeding 1,400, as the number of voters in December, 1840. He admitted, however, that there was a falling off of eighty-four voters in the county of Meath. The returns from the Queen's county showed that the constituency in December, 1832, was 1,494; and in December, 1840, it was 1,559; the returns from Kildare, for the same period, showed an increase of from 1,121 to 1,961; the returns for Wicklow showed a falling off of more than 100, being in 1838, 1,520; and in 1840, 1,416. He admitted that there were causes in operation in Ireland which tended to diminish the constituency. Amongst these was the indisposition of landlords to grant leases. But that was not the only cause, for he could state from his own knowledge that there was a still greater indisposition on the part of the tenants to accept them. The Roman Catholic tenantry of Ireland, who were desirous of engaging in honest, in-

dustrious, and lucrative pursuits, did not wish to be invested with the franchise, which only placed them between two fires. If, possessing it, they would chance to exercise the privilege contrary to the wishes of their priests, they were all denounced for the act, and looked upon as outcasts. If they went against their landlords they also committed an offence, for the landlords naturally looked to possess some influence, but not such as would coerce the opinions of their tenants. And here he must observe that the noble Lord the Member for North Lancashire, was much misunderstood in the observations which he had made upon this point. The noble Lord's observations merely implied that kindness towards the tenantry was calculated to produce such feelings on their part as would give the former a most undue influence. But unhappily in Ireland the tenant could not please both parties, and an indisposition to be placed on the registry was the consequence. The returns, however, showed no necessity for an increase of the constituency. It was true that those returns contained some duplicates, but more correct returns would shortly be laid before the House. Why should hon. Gentlemen opposite call upon those on his side of the House to admit a reduction of the constituency, and that a case was made out for the present bill, without first proving the necessity and making out the case? But, even if they did prove a diminution of the constituency, how did that make out their case, when it was shown that the diminution arose out of causes which would still continue to operate? It was the duty of those who supported this measure to show that Ireland was not fairly represented in the House of Commons before they called upon the House to unsettle the Reform Bill. The country could not stand a succession of revolutions, nor would it be wise to run the risk of a series of convulsions. The establishment of a 5*l.* franchise now would be attended with infinitely more ruinous consequences than those which ensued from the establishment of the old 40*s.* constituency. He would entreat the attention of the House to an important document from the second report on railroads, signed by Messrs. Drummond, Burgoyne, Barlowe and Griffiths. He would first premise, that the law which established the 40*s.* franchise was passed in 1793. Would the House believe, that

from 1791, which he would take for the sake of round numbers, to 1821, the population of Ireland, from 4,206,601, increased to 6,801,827; the increase for the next ten ensuing years was to 7,767,400, and the returns for 1838 gave 8,500,000. This the report ascribed to the extensive subletting by landlords for the increase of their electioneering influence by means of the 40s. franchise; but the consequences to the agricultural classes more particularly were ruinous in the extreme. Misery and destitution to an extensive amount spread through every portion of the country, particularly in the south-western districts. The beneficial effects of the change made in the constituency by doing away with the 40s. franchise was borne testimony to in the report. For some years past the proprietors of the soil had been endeavouring to do away with the small allotments altogether, and the consequence was, that a superior system of agriculture began to exhibit itself, and a state of general improvement was visible through the country from north to south. Such was the statement to be found in page thirty-four of the report. The report further said, that the safety of Ireland depended on continuing and promoting this favourable change in the agricultural district, and yet the House was now called upon to undo all it had done towards effecting that desirable alteration, and to reduce things to the old state, by which the safety of Ireland was threatened. To consent to the establishment of a 5*l*. franchise would undo all that had been done since the abolition of the 40s. franchise; nay, it would throw Ireland twenty years backward. He had heard no argument in favour of the proposition, except that based upon the disproportion. In answer to that he would refer to a statement made by the hon. and learned Gentleman the Member for Dublin in 1837. The hon. and learned Gentleman said, that the destitution in Ireland exceeded any calculation made by the Poor-law Commissioners, for there were 585,000 heads of families in a state of actual destitution for a great part of the year, and these persons were at the head of a population amounting to 3,000,000, two-thirds of whom were destitute for one half the year, and the other third destitute for the whole year round. Here were 1,000,000 persons destitute throughout the whole year, and 2,000,000 in a state of destitution for a

part of the year—namely, from April to the coming in of the new crop. Taking the whole population at 8,500,000, and deducting the 3,000,000, there would remain only 5,500,000 who could have any claim to the franchise, and the circumstances of the two countries being compared in all other respects, was it to be wondered at that the constituency was disproportioned as respected the comparative population? But even if there were a proved necessity for an extension of the constituency, was it not equally necessary to establish some standard by which to ascertain the qualification for the increased franchise? Were they to take as a standard a rating which had been shown not only to be incorrect in the valuation, but made contrary to and in the teeth of the law of the land? Only ten reports had been made, and of those ten only five had been furnished to the House. No reports had been made as to the boroughs, though Clonmell, Bandon, and Fermoy had been visited. Why had only five out of the ten been furnished? Was it because the others would not perhaps exactly support the arguments urged in favour of the bill? By accounts which had reached him from Cork, he found that instead of an under-valuation for rating to the poor-rate the property had been valued to the highest possible amount. In St. Anne's, Shandon, a decaying and poor part of the town, the rating was higher than it had ever been known before for any local purpose. Now, take the case of the county of Clare. Immediately upon reading the speech of the noble Viscount (Viscount Morpeth) on introducing the bill, Mr. Reade, a retired barrister, now residing in the union of Scariff, in that county, had sat down and written a letter to him (Mr. Sergeant Jackson), in which, referring to the noble Viscount's assertion that his proposed alteration of the franchise according to the Poor-law valuation, would not materially increase the constituency of Ireland, that gentleman had shown, that, taking the case of Scariff as a guide, the new standard would actually increase the constituency of Clare by no fewer than 20,000 votes. So much for the assertion of the noble Viscount and of the hon. Baronet the Member for Drogheda, that the change would only give a fair right of voting in Ireland. But if Clare would have 20,000 additional voters, the larger county of Cork might be expected to have

100,000, or at least 40,000 added to its list. Then, with reference to the increased influence which the measure could not fail to bestow upon the Roman Catholic clergy, surely it never was intended by the Emancipation Act to invest those persons with electoral influence, yet had they not at present considerable political and electoral influence? Did they not return a great many Members to the House of Commons? Could any man deny that? The hon. Member for Cavan, in his speech last night, which had met with the approbation of both sides of the House, had said, that he would be unwilling to give the clergy of the Established Church the power which this bill would give to the Roman Catholic clergy. He said, that he had much rather see such a power placed in the hands of the clergy of the establishment, than of the Roman Catholic clergy as a body. He said as a body, for he would not seek to deprive one of them of his individual rights, but he thought, that there were very strong objections to investing with the power a body which was hostile to the establishment, which consisted of persons who had not given pledges for the security of their country, and of its institutions, who were not married men, who were in the nature of a corporation, having the interests and advancement of their order pre-eminently at heart. This was not the case of the clergy of the Established Church—they were citizens. He asked the House to say, whether the influence of the Roman Catholic clergy was not already great enough? There was another point. How were the Ministry supported in that House? Their actual majority, if every Member were in his place, would be ten or eleven, a number produced by subtracting the minority of twenty-three in which they stood, in respect to the Members for Great Britain, from the majority of thirty-four which they had upon the votes from Ireland. It was not Great Britain, then, that said who should be the Ministers of the day, and he, therefore, asked English Members, whether the power of increasing this Irish majority ought to be given by this bill? For his own part he objected to this bill *in toto*, he objected to it, as tending to disturb the settlement made in 1832, he objected to it as tending to disturb the settlement made in 1829. Let the House remember,

that the abolition of the 40s. freehold voters was made the condition precedent to the passing of the Relief Act in 1829. There was a growing spirit in this country, having for its object the repeal of that Act. It was with regret he observed it. He thought it a most imprudent idea; and he warned the House not to give persons holding these sentiments a most powerful argument by enabling them to say, that now there were good reasons why the act of 1829 should be rescinded, since, by establishing this new constituency, being, as it must be, quite as liable to the influence of the clergy of the Roman Catholic Church as the 40s. freeholders ever were, the terms had been violated on which that measure was passed. He would not trespass further on the patience of the House, than to express his surprise that the right hon. Secretary at War should have held out last night something of a threat, in order to induce the House to pass this bill. He was aware that the hon. and learned Member for Dublin, in one of his letters to his "dear Ray," had used some such language as—"Give me France and our 7,000,000, against England, and all our enemies." But he had thought it was impossible that any man should get up in that House, and sanction such language, still less had he expected that any allusion of the kind would have been made in his place by one of the sworn Ministers of the Crown.

Mr. *Slaney* would not detain the House by going into the details of this measure at any length. He thanked the hon. Member for Cavan for the calm and temperate manner in which he had spoken upon this subject, and also the hon. Baronet the Member for Drogheda, for the able speech which he had made. Hon. Members of all opinions admitted that the franchise, as it at present stood, was pregnant with the deepest injury to the real interests of the people of Ireland, and that some alteration was absolutely necessary. The interpretation of the clause of the act under which the existing law was maintained, was admitted to be the subject of dispute, and of difference of opinion amongst all classes in Ireland, from the highest judicial authorities down to the poorest voter, but there did not exist any difference of opinion on the question whether or not some act ought not to be passed to set at rest the disputed

point. He had himself conversed in private with many hon. Members on the other side, whose opinions were decidedly in favour of that interpretation of the act which established the solvent tenant test, and they admitted that the subject was liable to great ambiguity, and that no man ought to be blamed for taking an opposite view, because such a view might fairly and honestly be taken by those who entertained that opinion. On the other hand, Members on both sides of the House were agreed as to the desirableness of the test of the qualification being one that would apply equally to all property. To this, the leading principle of the bill there was no opposition; why, then, should they not agree to the second reading, and leave the question of the amount of the qualification, which was a question of detail, for the committee. He thought himself that the amount of the qualification fixed in the bill was too low; but he entirely approved of the principle of a definition of the franchise, and a rating to the poor as the test of the qualification. He thought that all hon. Members who agreed in the principle, but differed as to the details, ought to vote for the bill going into committee, and there endeavour honestly to meet each other, in the hope of coming to some arrangement by mutual compromise. There were reasons why at this particular time some decision ought to be come to. Supported by a large majority, so that the question might be definitively settled, and not subjected to constant agitation and discussion, let the bill go to committee, and some compromise of the kind he referred to be agreed to; or, if not, let the sense of the House be taken on it upon the third reading, and he did not doubt that, unless some satisfactory adjustment were come to, hon. Members opposite would find sufficient support on that side of the House to prevent the bill passing in its present shape. He should vote for the second reading, and when in committee he should contend for a fair substitute for the present ambiguous franchise; at the same time, he would be prepared to maintain the principle of qualification as intended by the Reform Act.

Mr. *Thesiger* was of opinion, that the hon. Member for Shrewsbury's endeavours to conciliate the House in favour of the principle of the noble Lord's bill would hardly be successful. Hon. Members at

the other side had attempted to secure a postponement of the decision upon this most important question until the bill was in committee, on the supposition, that if it contained anything objectionable, it might then be expunged or modified. Those hon. Members, however, forgot the observation with which the noble Lord had introduced the bill, in which he distinctly told them, that he never would accept a bill for the amendment of the system of registration in Ireland without a definition of the franchise. It was perfectly clear, that this was the principle of the bill. It had been distinctly avowed by the noble Secretary for Ireland, who challenged comparison with the bill of the noble Lord, the Member for North Lancashire; and the right hon. Gentleman, the Secretary at War, had also stated, that the essence of the bill was the definition of the franchise. Could a doubt remain as to that definition having been inserted to decide this question in the present stage of the bill? Were they not even compelled to this course by the challenge of the noble Lord? He had listened in vain for anything in the shape of argument from the other side which might satisfactorily explain the reason of making this most startling and overwhelming alteration in the Irish franchise. The right hon. Gentleman, the Secretary at War, rose after his hon. Friend, the Member for Exeter, had addressed to the House his most convincing speech. He had undoubtedly expected, that that right hon. Gentleman would have attempted to grapple with the arguments which had been addressed with so much calmness, but at the same time with so much force, to the House by his predecessor in the debate, and he confessed, that he felt disappointed when he found that right hon. Gentleman abandoning even the ground which had been taken by the noble Lord, the Secretary for Ireland, and directing nine-tenths of his speech to the bill of the noble Lord, the Member for North Lancashire. It was only an accidental observation falling from that noble Lord which recalled him to a sense of the irrelevancy of his observations, and then the right hon. Gentleman bounded away, concluding, after a few brief observations, with a whirl of eloquence which utterly bewildered his humble faculties, and prevented the possibility of his comprehending what could be the right hon. Gentleman's ob-

ject. The hon. and learned Member for Exeter had touched upon an objection which appeared to him to be of very great and conclusive force. With regard to the alteration of the franchise, it affected the question which was settled when the Catholic Relief Bill was introduced, and violated the pledge given at that time with regard to the franchise. Hon. Members were aware, that at the time that bill was introduced, in 1829, there existed in the constituency of Ireland 40s. freeholders, persons likely to be considerably influenced in the exercise of the elective franchise, and it was proposed at the time the measure for the relief of the Roman Catholics in Ireland was introduced, as it was apprehended, that very great danger might result from the measure if those persons were left as they were, exposed to temptations that would nullify their votes—it was determined that the measure of emancipation should be accompanied by the extinction of the 40s. freehold qualification, and many Members were at that time induced to give a reluctant support to the measure for the relief of the Roman Catholics of Ireland, from its being accompanied by the other measure, which was to raise a constituency free from the objection. Although the bill for the extinction of the 40s. freeholders passed before that for the relief of the Roman Catholics of Ireland, yet both bills received the Royal assent the same day, April 29, and were, in fact, considered as parts of the same measure. By that act, the 10th of Geo. 4th, a 10*l.* freehold constituency was established, and a freeholder was required to prove, that he possessed an interest of the yearly value of 10*l.* over and above all rates and charges, and in the oath he was required to take he stated, that he verily believed, that a solvent tenant would pay 10*l.* over and above what he paid. So it continued till the Reform Bill in 1832. No one ever thought of restoring the 40s. freeholders in Ireland, except the hon. and learned Member for Dublin, who in the discussions on the Reform Bill, raised his voice in favour of the 40s. freeholders, but he found no echo in the House, and no one till now had thought of violating, or of disturbing a pledge which had been unquestionably given. It remained for the noble Lord, under circumstances which had been so frequently brought under the notice of the House, to introduce this

most important and most startling measure. The noble Lord was violating this pledge, not by restoring the 40s. freeholders, but by introducing a constituency inferior in degree, and infinitely worse than existed at the passing of the Relief Bill. Was it fair and just to hon. Members who voted for that measure on the assurance that it was to be accompanied with the extinction of the 40s. freeholders—was it dealing fairly with them to introduce a measure of this description? It had been said that doubts existed with respect to the proper construction of freehold and leasehold interests under the Reform Act. The hon. Member for Shrewsbury (Mr. Slaney) said, he had inquired frequently of Members on that side of the House, and found that no one could give him a decided opinion upon the meaning of the terms “beneficial interest.” He had never entertained any doubt upon the subject, and he had conversed frequently with lawyers on the subject, and had never heard of any doubts regarding it. He must object to the course pursued by the hon. Baronet, the Member for Drogheda, in referring to the opinions of Members in this or the other House of Parliament as a guide to the interpretation of any bill, because, if that course were to be adopted, it would be easy to get opinions in favour of any construction desired. But when a bill had once passed both Houses of Parliament, and received the Royal assent, it became a subject of judicial construction, and if the Legislature had not expressed its intention so that it might not be misinterpreted, that was the fault of the Legislature, but it was no reason for inquiring into the reasons urged at the time the bill was under discussion in either House. It was a very great mistake (and his hon. Friend the Member for Shrewsbury had fallen into it with others) to suppose that the Conservatives were opposed to a certain test being applied for ascertaining the franchise. They had not the slightest objection whatever to the application of the poor-rate, if it were applied under certain circumstances, so as to afford a security of a real and substantial qualification. It was impossible, that with the poor-rate alone they could obtain that object. Let the House consider what the noble Lord proposed to do. His hon. and learned Friend, the Member for Exeter, had in his usual clear and lucid manner shown,

that from the earliest periods of our Parliamentary history there had been a distinction between the qualifications of voters for counties and for boroughs and towns, that one was based upon property, the other upon habitancy or some corporation or municipal rights. That distinction was preserved at the time of passing the Reform Bill. However opinions might differ as to the nature of the interest to entitle a person to possess a vote, all agreed, that the interest required in a county voter was different from that of a voter for a town or borough. Whether it were a beneficial interest or a solvent tenant test, still, in a county it was a property test, whereas, in boroughs and towns the right to vote was appended to the payment of corporation cesses and taxes. But under the bill of the noble Lord opposite, all these distinctions were swept away, it levelled everything, in counties and in boroughs there was no distinction, and, if the bill were examined, it would be found, that it really placed the county voter on a lower footing than a voter for a borough or town, because the qualification which the noble Lord required for a county voter—he omitted freeholders—was, that he should occupy under a lease for fourteen years any premises rated at 5*l*. See how illusory such a test was, substituted for property for a county voter. What was the interest he would possess under the proposed test of the noble Lord? Nothing; for a landlord might let his land on lease for fourteen years, at a nominal rent of 5*l*., 10*l*., or 20*l*., under a private understanding that the tenant should only pay what the land would bear, and in the lease might be a condition, that if the tenant did not pay the rent it stipulated, or perform the covenants of the lease, the landlord should have a right to enter upon the land and take possession. A lease with such conditions would have all the effect, for the purpose of this measure, of an unconditional lease, and see the situation of the tenant. If he proved refractory, if he did not vote according to the wishes of the landlord, the latter could strip him of his lease. He might go on amicably enough with his landlord, and pay the rent privately agreed upon between them, but let him oppose the wishes of his landlord, and he would be swept off. This qualification it was proposed to substitute for a beneficial interest in property in the county. But it was said, that

the party must be rated for 5*l*. Let the House consider the effect of this provision. If a lessee should consent to be rated at 5*l*., though his holding be not 40*s*. or 1*s*., no person could object to that rating, no person is aggrieved by a party being assessed at a higher amount than he is entitled to be assessed at; the grievance is when he is overrated, and others are underrated. Although it happened, that in the Poor-law for Ireland there was no provision for an appeal if any person was improperly put on or left off the rate, yet there was a provision in the 17th of Geo. 2nd with regard to the poor-rate in England, and no one dreamt of an objection to a rate by reason of any party being overrated. If it was easy with a favourable board of guardians for a party who had no interest in the land he occupied to have his name put on the rate—once there, as long as he chooses his name must continue there, for by the bill, if a person is put on the rate for 5*l*., although the board of guardians next year should, in the discharge of their duty, be satisfied, that the party was improperly placed on the rate, and should reduce the amount of his rating, still the voter would have a right to insist on paying the 5*l*., and it would be irrevocable during the whole time. Could anything be more illusory and absurd than to apply this as a test of real qualification? How could any one say with respect to such rating, that it afforded any security whatever against fraud and the admission of improper persons to the franchise, or that it remedied the existing evils of registration? The noble Lord (Lord Morpeth) made no distinction between counties and boroughs, but he actually placed the county voter on a lower footing than voters in boroughs. The voter in a borough was required to do more than the county voter, as he had to pay municipal taxes, which a county voter might not be able to pay—he might have no property at all. What occasion was there for any alteration in respect to boroughs and towns? With regard to votes for counties, doubts and difficulties had been started as to the beneficial interest, but no one suggested, that there was any doubt as to votes for boroughs, yet here was a sweeping alteration, which applied to both:—"Whereas it is expedient to assimilate the mode of ascertaining the qualifications of voters in counties, towns, and boroughs." Why? "Expedient!"

Where was the expediency shown? Where was the ground assigned for any alteration of the franchise in Ireland? If the noble Lord meant to remove doubts and difficulties, he should have explained the meaning of the phrase "beneficial interest," which 10*l.* voters ought to possess, and not have made that a pretence for reducing the franchise itself. The necessity was not shown, and he did think, that the House had a right to expect, that the noble Lord, and the right hon. and learned Gentleman (Mr. Pigot) should have been able to explain to the House the necessity for this sweeping alteration in the franchise of Ireland. The necessary consequence of such a measure was most alarming. It was quite impossible, that a measure of this description could be introduced, reducing the franchise so low in Ireland, without exciting an expectation or a demand for the same privilege in England. Already they had been pressed with this argument by the hon. Member for Kilkenny, and thousands of voices would echo the same. The mischief which the Government had done by the mere introduction of this measure could never be remedied. The promise had passed their lips, and had raised expectations which could not be gratified, it would afford a new rallying cry for Ireland, and a fresh pretext for agitation. He (Mr. Thesiger) could not think the Government, of which the noble Lord, the Secretary for the Colonies, was so distinguished a Member, could entertain any serious thoughts of carrying out this principle fully, if they did, it must be because they felt the respectable constituency of the country hostile to their measures, and were driven in their last and desperate struggle to strike this blow that they might not fall alone. He did not think that the noble Lord, from what he had said so lately as 1839 and 1840, could partake of these views, but if he now entertained different sentiments, his rapid proficiency in such studies was most alarming. If the object of the Ministers was to purchase a short and feverish existence by this sacrifice, made in the hope of prolonging their retention of office, they would find that this was only one step in an indefinite progress, in which

"Claim leads to claim, and power advances power."

He felt that this measure was fraught with such dangerous consequences, that he was not satisfied with giving a silent

vote, and he should use his humble but firm endeavours, in the future stages of this bill (if, indeed, it went to a future stage), to give it his most decided and determined opposition.

Mr. C. Buller said, that it was peculiarly agreeable to him to rise to address the House when it had been brought to such a calm and reflective temper as it had been by the two speeches which they had just heard. He thought, that the House was much indebted to the hon. Member for Shrewsbury in urging on the House to pause before they came to a decision, so that they might discuss the bill in a spirit of candour, and try to make out how far by mutual concessions, they could get rid of the angry elements which had been introduced into the subject. He (Mr. Buller) was inclined to lament that so much personal acrimony had been introduced into the debate, as much by Members of his own side of the House as by Gentlemen opposite, and he must confess, that he thought that the noble Lord, the Member for North Lancashire, had been rather harshly treated by some of his (Mr. C. Buller's) Friends, for the noble Lord had certainly given ample time to the Government to bring forward a bill on the subject since the defects of the present system had been acknowledged. Not one Member on his side of the House had brought the subject forward with the view of introducing a general measure; therefore, under these circumstances the noble Lord, the Member for North Lancashire, whom, with all respect, he (Mr. C. Buller) could not help calling the author of all the mischief, ought not to be found much fault with for bringing in a bill on the subject, but all the fault that he was guilty of was, that he brought in so very bad a bill. But the consequence of this was not so bad as had been described, because it compelled the Government to bring in a very good bill on the subject. They were not now in the very awkward position in which they were last year, when those with whom he acted were obliged to oppose the remedy proposed by the noble Lord as worse than the disease, while the Government had not proposed any remedy to this disease which they acknowledged to exist. Now, however, the noble Secretary for Ireland had introduced a measure, and he trusted, that the House would be perfectly satisfied with the superiority of the Government bill. This bill was far more complete and comprehensive in essentials than that of the noble Lord opposite; while it

embraced none of those objectionable charges which required to be struck out of the noble Lord's measure. The contrast of the two bills was striking. The Government measure was prudent where the noble Lord's was rash; it was bold where his was timid; it was explicit where his was obscure; it was straightforward and direct where his was indirect and tortuous; and it was liberal where his was restrictive. It was, then, for the House to decide which bill it would choose. He believed, that the noble Lord had done much good, for in exposing the evils of the registration which were peculiar to the present system, he had led to the proposing the measure now before the House. He believed, that there was no doubt, that the evils which the noble Lord had so forcibly pointed out were peculiar to the Irish system of registration, and were the result of the Irish Reform Bill; and that if the people were guilty of fraud and perjury, and personation, it was only the natural result of the Irish system of registration. He declared, that he had never seen such an inducement to personation, and fraud, and perjury, as there was held out in the Irish Reform Act. These were the evils so eloquently and forcibly pointed out by the noble Lord, and it was clear, that they grew out of the present system. What could be more striking in this respect than the system of certificates, which was much more worthy of a pawnbroker or a turnpike-gate keeper than a wise Legislator. What was the plan of requiring a certificate given to one man, but which might be produced by various persons, and which a man might get renewed whenever he wished to commit a fraud? The system of certificates produced this very result, that, fifteen persons might produce a certificate at the hustings, and poll for the same property. [Lord Stanley: Hear.] He was obliged to the noble Lord for the admission, because it showed great candour on his part, as this was an evil of his own causing by the Irish Reform Bill. [Lord Stanley: The system of certificates was established by the 10th of George the 4th.] The noble Lord need not tell him of the 10th of George 4th, for when the noble Lord brought forward his Reform Bill, he did so with the view of giving a good system of registration to Ireland. This was after the act of George 4th had given the system of certificates, and when they had had experience of its working. What on earth, then, did the noble Lord mean by saying that the system was not his. The noble Lord said, that

the system existed before the Irish Reform Act; but when he brought in that measure, by not altering the system of certificates, he adopted those evils of the system of registration which he perpetuated by his bill, and he made himself responsible for them. It might be said, that the noble Lord was only chargeable with not going far enough in his changes; and that was not a fault to which he was peculiarly blameable; but by so doing, he in fact adopted the system he found, and was therefore responsible for the whole. There was another evil pointed out by the noble Lord, arising from the want of an annual system of registration, so far as to enable him to remove every year from the register the names of those who had lost their qualification. The noble Lord said, that it gave rise to the commission of frauds, and invited persons to the crime of perjury, and held out inducement to dishonest persons to come forward and personate those who were on the list of voters, but who were really dead. In spite of the objections urged by the noble Lord, he did not see that an adequate remedy had been provided for this in the Government bill. The noble Lord, however, in his bill, attempted to provide a remedy, and for this purpose he proposed that there should be an annual registration of all voters, such as they found in England—a system which he thought to be a very bad one. He had never heard any sound argument why any man having the elective franchise should be put to a greater difficulty in maintaining it than he was in supporting his other rights. He did not see why a distinction should be drawn between this and other rights. It was a principle established in our courts of judicature, that a man should not be exposed to litigation for his rights over and over again. And here he must advert to an observation which fell from the hon. and learned Member for Brandon, who he thought had been betrayed into something like an absurdity, in the observation which he made in reply to his right hon. Friend, the Member for Edinburgh, on this very point. His right hon. Friend had argued, that a man was not required to litigate a right more than once. Yes, replied the hon. and learned Gentleman, he is liable to have an action brought against him, tried over and over again on a question of trespass for the purpose of ejectment. The hon. and learned Gentleman referred to this as if it were an exception to the rule; but, in point of fact, the rea-

son why this was an exception was, that the direct cause of action did not appear on the face of the pleadings in an action of ejectment. The exception in this case had always been acknowledged to be an anomaly and a deviation from the general rule of English law, and the courts of equity in this country had often granted injunctions to prevent repeated trials for ejectment. He, therefore, said, that it was an unfair argument on the part of the hon. and learned Gentleman, to deny that the law of England did not require a double trial of a right. By the adoption of this system of annual registration, they exposed the voter to an immense expense, and to the loss of a great portion of his time; and, at the same time, many persons fully entitled to be placed on the register would be deprived of the franchise, because they would not be exposed to the constant trouble of vindicating their right. He said, therefore, with perfect confidence, that they should adhere to the sound principle of the English law, and not expose a man to the risk of having a right tried over and over again. He thought that the practice of annual registration afflicted this country with some of the worst evils of annual Parliaments. Every year there was a perpetual agitation and excitement going on in the conflicts of the registration courts; and each party fought its battle there, and boasted of its gains as it gained in a contested election. One of the great evils of this constant contest in the registration courts was, that it made every man get his vote through the agency of one political party or the other. He was registered as a Liberal, or a Conservative, and it appeared as if he owed his vote to the party who employed the lawyer to advocate his claim. He admitted, that if the registration were perpetual, some persons might get their names placed on the register who were not entitled to have them there; but he thought, that it would be better to adopt, as a principle, that every man had a *primâ facie* right to have his name continued on the register, who had proved his right to have it placed there, in the first instance, except where it could be proved, that he had subsequently lost such qualification, and although some 11½ voters might be struck off the lists, and some 9½ voters might be placed on them, was this anything in comparison with the evils which must arise from constant litigation on a matter so exciting as this? The next important question was to deter-

mine the right to the franchise. There could be no doubt that, as long as this right was unsettled, considerable inconvenience must arise. No one had stated a doubt as to its being unsettled at the present moment, and he must say, that both bills equally purported to provide a remedy for this mischief—the Government bill by a definition of the franchise; the noble Lord's bill, however, went to the settlement of the franchise in a roundabout manner; and, with all respect to the noble Lord, he must say, was as little creditable and straight forward a piece of legislation as could be imagined. If the noble Lord's bill passed, it would settle the franchise in a restrictive sense, just as certain as his noble Friend's would in a liberal sense. The noble Lord would give an appeal to the judge of assize in either case, whether the decision was in favour or against the claimant of the franchise. Now it was known, that the opinions of the judges varied on the subject of the franchise, and on the interpretation of the law on the subject. Some of the judges gave their decision in favour of the solvent tenant construction, while others decided in the directly opposite way. Was not the noble Lord perfectly sure that if the party opposite were to get into power, they would insist that the opinion of the minority of the judges on this point should bow to that of their brethren on the judgment seat? When you give this power to the majority of the Irish judges, was it not in point of fact saying indirectly that the solvent tenant mode of voting should be adopted. If the noble Lord thought so, he ought at once fairly to propose that this should be declared to be the law, but he should not shift the difficulty, or cast responsibility on the Irish judges, and thus throw the burden on them which we were afraid to bear ourselves. The noble Lord said that if they were to have the appeal one way, they should allow it the other, and he seemed to think that the circumstance of the minority of the judges yielding their opinion to that of the majority was only in conformity with the course of human nature. If this was the case, he must say that they were carrying a most important point in a most objectionable manner. For his own part he felt that of all questions that could come before the judges, there was no question of such vast importance, or involving such consequences, as were contained in this, viz., of leaving it to these learned persons to define the franchise. It appeared also that they were not to decide

this important question as individuals, but they were to decide as a body. He must protest against the adoption of this principle as involving one of the most unheard-of and dangerous doctrines ever promulgated in that House; for the acknowledgment that the principle of the definition of the franchise should be given to the judges was, in point of fact, to say that they were the proper persons to determine as to the right to elect Members of that House. He confessed, that it was a matter of astonishment to him that the right hon. Member for Montgomeryshire (Mr. C. Wynn), did not start from his seat, and protest against such a principle being asserted in his presence, and even more surprised he felt, that he had not heard a still more important Member than the right hon. Gentleman, namely, the right hon. Gentleman the Member for Tamworth, who had always taken an active part in the discussions of matters involving the principle of determining the rights of voting, and who had declared his opinion on this very point, in a bill which he (Mr. C. Buller) had introduced, and had subsequently brought forward a measure of his own, which had received the sanction of the Legislature, and who had constantly repudiated the doctrine that they should take away from that House any portion of the right of determining matters relating to the right to the elective franchise. He then asked the right hon. Baronet to explain how he could come forward and give his powerful support to a bill which went to establish the new and extraordinary principle, that that House should cease to have all control as to the determining the right of the franchise in Ireland, and should give this power to the Irish judges. If he argued against giving this power to the judges, he should only repeat, in very feeble terms, the arguments he had so often heard used by the right hon. Baronet. He would not dwell on the evils which must result from leaving it to tribunals appointed by the Crown to determine as to who should, or who should not, have the right to vote at the election of Members to serve in that House. How much greater would the evil be to leave that matter to the decision of the judges? He spoke with the utmost respect of the learned persons who presided in our courts of justice, but he could not disguise from himself the manifold evils that must arise from the adoption of such a principle. He was convinced that it was a wise principle of our ancestors to keep the judges entirely

free from any interference or from taking any part in election matters, and this was a principle which should now be adopted for the guidance of their present proceedings; because they must be aware of the importance of keeping the judicial bench untainted by the suspicion of political corruption. He would ask any legal person who heard him whether he recollected any political trials that had occurred which did not lead to the throwing imputations on the judges who tried them? He did not say, that at present the mischief of political bias on the part of the judges was as great as it had been in former times; but evils always must arise from directing public inquiries into the political opinions of the judges. He would ask any lawyer in Westminster-hall, whether, when any trial of a political nature was expected to come on, allusions were not made to the political opinions of the judge who was expected to preside? He repeated, that he spoke with the greatest respect of the judges of the present day; but it could not be disputed that, in past times, some of the most eminent and learned judges that had ever sat in the courts had manifested a political bias on the judgment-seat. This was a fact which, he believed, would not be disputed with respect to some of our most able and distinguished lawyers. There was no doubt that Lord Mansfield, who was a man of great learning and the most splendid talents, often manifested his political bias while presiding in his court. This, he believed, was admitted by all parties. The same imputation had been thrown out against another very learned chief-justice, namely, Lord Kenyon, and even more recently against judges in our courts. He did not say whether these charges were made justly or not, but undoubtedly the public fastened on them; he therefore contended that the Legislature would act wisely in keeping apart from them anything which was calculated to give rise to such imputations. Was any hon. Member on the other side of the House ready to assert that the only exception to this rule was Ireland—that Ireland was the only country in which political feelings were so moderate, in which the administration of justice was so honoured, that there alone you could venture to subject the judges to the suspicion of partiality, from causes from which you have always taken care to keep aloof in England? Was it not, on the contrary, notorious that nothing in Ireland had ever been kept free from political partizanship? Was it not well known that the law in Ireland had

never been regarded by the people of that country, as anything but a means to enable the rich man to oppress the poor? [*Oh, oh!*] Did hon. Gentleman who cried "Oh!" recollect Lord Redesdale? Did they remember his account of this matter? That was an account which an English lawyer gave of the administration of justice in Ireland. He might have put his proposition in a stronger way than he had intended, but it was quite certain that matters had stood as he had described, to a very great degree; and most assuredly the public feeling throughout Ireland regarded the administration of the law there in that light. Before any person ventured to say that there could be no suspicion of partiality in the judges in Ireland, let the House look to the way in which the judges there had decided upon the construction of the beneficial interest in the definition of the very franchise now in question, and it would find that the judges who had been appointed by the present Government had all decided one way, while the other judges, who were appointed by former Governments, decided the other way. No doubt they were all equally honourable men, but it would be impossible to disengage from the public mind the idea that in these and similar cases there were some political partiality, whether Conservative, Liberal, Repealer, or what not. Upon the question of the decision how strong had been the language both of the hon. and learned Member for Exeter, and of the noble Lord the Member for North Lancashire. From the noble Lord, indeed, strong language was to be expected; with him it was a matter of habit; but it came somewhat strange from the hon. and learned Gentleman, than whom he (Mr. Buller) had never talked with a more calm-spoken person. But what said the hon. and learned Gentleman last night, in speaking of the question in dispute, as to the change in the elective franchise in Ireland, and the introduction of the words beneficial interest? After laying down the rule that the minority of the judges should bow to the decision of the majority, he laid it down as a clear and indisputable proposition that no English Gentleman—he was quite clear that no English lawyer—would rise in his place and say that the introduction of such words created the slightest doubt in his mind. Now he could not understand that any person could read this passage of the hon. and learned Gentleman's speech, without drawing the obvious conclusion that the minority of the Irish judges must be, in the

opinion of the hon. and learned Gentleman, either most foolish or most dishonourable men, in reference to their decision upon this question. This was the inference which ordinary human reason must derive from the speech; and it appeared to him a most undesirable thing that any temptation should be given in that House to say such things about the Irish judges in the minority on this question for he could not see how the honesty of the minority was in any degree a matter of less importance than that of the majority. The noble Lord and the hon. and learned Gentleman disposed of the whole difficulty in the most summary manner possible. The noble Lord said, "Nobody can have a doubt about the matter," and there was an end to it. The hon. and learned Gentleman went somewhat more into detail; but he, too, said roundly, that no English Gentleman, and certainly no English lawyer, could venture to get up in his place in the House, and state a contrary opinion to what he supported; and then went on to the other point, of the duty of the minority to bow to the majority. But the hon. and learned Gentleman had altogether left out of the consideration, in thus insisting on the deference due from the minority, the authority of the House of Commons, the supreme appellate tribunal for deciding on these cases. In what way was it that the minority of the Bench in ordinary cases, bowed to the decision of the majority? In no single case did ever one judge bow to the decision of the rest of the bench merely from deference to their opinion. In every case it was for two reasons; first, because the opinion of the judges was the opinion of a constituted appellate tribunal; and, in the second place, because this tribunal was one which could enforce its authority. In all cases in which there was an appeal to the court, to the judges sitting in banco, there the judges had the power to enforce their authority; where there was an appeal to the Exchequer Chamber, there the judges had the power to enforce their authority. And in the case of reservations of points in criminal cases, though theoretically they had not a supreme appellate authority, they had it practically. But as for saying that a judge was bound by the mere opinion of other judges, where neither law nor custom gave them power to enforce their opinion, that was a monstrous proposition, such as had never been heard of in England. It was said that the judges met and came to this decision; but who authorised them to do so? A volunteer

decision on the part of the judges was as absurd as a volunteer decision on the part of any one else. Suppose that a case arose before the judge going the circuit wherein Longford was situated; suppose that on the one hand there was an advocate relying on the authority of the view adopted by the majority of the judges; and on the other, an advocate relying upon the decision of the House of Commons' committee in the case of the Longford petition, by which of these would the judge be bound to decide in the case before him? Surely, by the authority of that supreme appellate tribunal, that authority which was now, and would be, until the law was altered, supreme in such cases, the authority of the select committee of the House of Commons. [*Oh, oh!*] Gentlemen might sneer at his insisting upon the authority of the decisions of the House of Commons' committees, and it was quite true that these decisions were frequently conflicting, vacillating, and liable to suspicion; but let those hon. Gentlemen proceed to correct the defects of this tribunal, instead of sneering away the authority of one of the most important constitutional tribunals of the country. The hon. and learned Member for Exeter laid great stress upon his statement, that no English lawyer would venture to get up in his place in that House, and say that the interpretation which he put upon the franchise was not clearly and indisputably the right one. Now, he did not attach much importance to the opinions which English lawyers, or any other lawyers, expressed in their place in that House; and until he found a lawyer there, by any chance, get up in his place to express an opinion contrary to the interests of his party, be that party what it might, he should have no great respect even for the highest legal authority who might deliver his opinion in that House. But he looked upon that as respectable authority which a competent person stated in a book, and committed himself too in print. Now, the hon. and learned Gentleman was acquainted with Mr. Rogers's work on election law, which was by all persons regarded as the best authority on the subject, nor would the hon. and learned Gentleman refuse to Mr. Rogers the character of a gentleman, for a more upright and honourable man did not exist: Now, all that Mr. Rogers said on the subject was contained in a short passage in a note, where he quoted a decision of the Longford commit-

tee, to this effect: that every leaseholder or freeholder (for it was very noticeable that he made no distinction between these) was entitled to the franchise who derived in any way, from his holding a benefit or property of 10*l.* annually over and above rents and charges. He (Mr. Buller) had talked that morning with an English lawyer well versed on the subject; and this gentleman said, that he did not conceive any lawyer could get up from the perusal of the Irish Reform Act, without being utterly at a loss to understand the meaning of the legislation therein. This doubt was all the fault of the noble Lord opposite, who had in the Irish Reform Act deliberately left those words in the oath, which made the qualification perfectly clear, and put in others which rendered the whole matter obscure; and he had, therefore, no right to blame either the barristers or the judges. The Government was charged with a wish to violate the contract made at the time of the Reform Bill, and with entering on a revolutionary course. He had never been a supporter of the rather extravagant notions which had been put forward by some persons as to the finality of the Reform Act. He regarded the Reform Act as just as liable to blunders, as any other work of human legislation. The Irish Reform Act was perhaps rather more full of blunders than most other pieces of legislation, and he considered that such blunders should be corrected. So far, however, he adhered to the doctrine of the finality of the Reform Act, that he considered that it should not be touched upon light grounds, nor should they be constantly tampering with the distribution of the franchise, but whatever changes they might make, should be made at great intervals, in compliance with the deliberate requisition of a large portion of the people, and extending over the whole country, on the same common principle. He should on this latter ground object to the measure, were it merely a measure for extending the Irish franchise. But he would ask the advocates of finality how they would deal with the difficulties of the Irish franchise where the act would not actually work? In this case something must be done, keeping as near as possible to the amount and character of the constituency contemplated by the Reform Act. According to the inquiries which had been made, it appeared that the 5*l.* rating would give about the same constituency as at present—that constituency which the noble Lord opposite

contemplated when he introduced the Reform Act for Ireland. The noble Lord stated that the number of freeholders in Ireland at the time of the Reform Bill was 52,000, and increased by the alterations made in respect to freeholders in cities and counties of cities to 67,000. The present register would give 87,000 freeholders, which, taking the various changes which had since occurred into consideration, presented no such great difference from the noble Lord's estimate, and certainly afforded no ground for the clamour about the franchise of Ireland being altogether altered in its character, and swamped by an inroad of rabble. He had endeavoured thus far to argue the comparative merits of these two bills with as little reference to external considerations as if in fact this matter interested no one but the legislator, and as if their business were nothing but that of devising the simplest and most effective machinery for carrying out the purposes of a mere registration of voters. But if he were to leave the House under the impression that he viewed the question now before them with such calmness, he should be wanting in justice to himself, as well as to the great national interests now at stake. He was using no mere common-place of exaggeration, but speaking with perfect deliberation, and weighing well his words, when he said that he did not believe that since 1688 that House was ever called on to do any act necessarily pregnant with consequences more grave than those which he anticipated from its vote on the present occasion. He was not thinking now of the effect of a hostile vote on the existence of the present Ministry. If this bill turned them out, he felt very confident that it would bring the same, or in all probability, a more liberal Ministry into power before many months passed over our heads. We knew enough of the fortunes of great popular measures in our day, to feel confident that when once proposed by a great party like that now pledged to its support, such a bill as this would become the banner of a popular movement, that must triumph, and take no great time to ensure its success. But what he dreaded was the policy to which, in the mean time, that House would, by rejecting this bill, commit itself. Such a vote could only be the first act of a retrograde system of Government, marked by all the worst features, attended by all the most horrible risks of a counter-revolution. He had never been one of those that expected any positive good from a Conser-

vative Ministry. But never before this did he anticipate the madness of a retrograde policy, enforced as it must be by violence. Whatever notions of the kind might appear to be yet lingering in the heads of many of the party opposite, he knew they were repudiated, and he hoped, therefore, that they would not be acted upon by those who would have to determine the course of a Conservative Ministry. Thus much reliance, at the least, he had been used to place in the eminent prudence and the indisputable patriotism of the right hon. Baronet the Member for Tamworth, and in the influence which in spite of all the reproaches directed against them, their old feelings and opinions had always appeared to him to exercise on the noble Lord the Member for North Lancashire, and the right hon. Baronet the Member for Pembroke. But their course on this question showed him that it was their fate, like that of most party leaders, to become but the instruments of the worst purposes of the very worst portion of their followers. For what was their present purpose? Simply and plainly that of subjecting the people of Ireland to the ancient yoke of Orange ascendancy. He was not using mere terms of abuse. The words which he employed expressed exactly his view of the real state of things. It was ridiculous to treat this as a mere question of registration. If nothing were involved in the vote of to-night but the comparative merits of two plans of registration, he doubted whether there would be a House. What filled the benches now—what would crowd that House to suffocation on a division, was the bearing which their vote must have on the distribution of political power in Ireland. Hon. Gentlemen opposite came to support a bill which, by restricting the franchise, will have the effect of restoring the reign of the old ascendancy party in Ireland. They on that side came to support that which, by keeping the elective franchise in the hands of as large a number as at present possess it, would secure a representation of the feelings of the great body of the Irish people. There were but two parties in Ireland. Until the generation that had suffered, and that which had exercised, the old tyranny of ascendancy had passed away, depend upon it that there never could for any time be more than two parties in Ireland—the one, which he called the Orange or ascendancy party, seeking to restore the ancient system of exclusion,—the other, the popular or Ca-

tholic party, striving to keep and to enlarge the rights which it had lately won. Hon. Gentlemen opposite avowed this purpose themselves under the disguise of a thin veil of phrases. Their object, as they told the House, was, to prevent "improper persons" from being returned to Parliament, and to give "property and intelligence" their due weight. Everybody knew what was meant by these few words. They meant to stigmatise as "improper persons" all those who were returned by the popular feeling against the wishes of the aristocracy; and "property and intelligence" was the fine phrase by which were described those landed proprietors, whose scandalous abuse of political power and of the rights of property had ever been the great cause of the misery and degradation of the Irish people. It was with great reluctance that he thus described a large class of persons. But Gentlemen opposite had not been very nice in the language which they had employed in speaking of the people of Ireland, and they must excuse him for imitating their plainness of speech. He was far from wishing to lessen the influence of property and education in general; and, however warm an advocate for popular power he might be, he owned that he should grieve, were the gentry of England to be deprived of that influence, which, with all their faults, they had on the whole usefully exercised. But, between the English gentry and the great body of the Irish gentry,—(he admitted many most honourable exceptions—he admitted some improvement in the tone and character of the body; but still),—between the two in general, he saw a resemblance only in the rights which they possessed, none in the mode of exercising those rights. Frankly, then, he must say, that he was opposed to any measure that would have the effect of placing more political power in the hands of the great body of the Irish gentry. Whatever power you might give them, they would use it, as they always had used power, for the purpose of oppressing and degrading the mass of their countrymen. And it was because the policy of the noble Lord opposite was avowedly directed to this purpose that he regarded it with horror. It went to re-establish that mischievous ascendancy party which Catholic Emancipation and Parliamentary Reform had enabled us to keep under for the last ten years. This, at any rate, was the view which the great body of the Irish people took of the contest now going on between the

two sides of this House; and on whatever grounds they might have come to this conclusion, it was hardly possible to dispute the fact that they would regard the defeat of the bill now before the House, and the success of the other bill, as tantamount to a restoration of the ascendancy which they detest. And now let him come to the practical question. What will be the consequences of such a policy if the House should think proper to enter upon it? They might reject the Government Bill; they might pass the other; and there would be no very great difficulty in the way of enforcing any law they might please to make on this subject. But what then? Did they believe that their decision would carry any moral weight with it? Did they believe that the Irish people would sit down very quietly under the loss of that political power, which they had now wielded for some years, after a hard and glorious struggle to get it? Would there be peace in Ireland until the one act were repealed and the other passed? It became them to weigh well the consequences of their decision on this occasion. Hon. Gentlemen opposite seemed to think that this was a matter which a casting vote here, which the gain of two or three seats, or a balance of influenza in their favour, might settle. But he would tell them that the practicability of carrying out the policy to which a vote hostile to his noble Friend's bill would commit them, depended not on votes but on arms, and before they entered on it they should look not to returns and to division lists, but to the temper and physical force of the Irish people, and, above all, to those points of our foreign relations, which they might find to have a very close connection with the Irish franchise. He knew that in touching on this very delicate ground he subjected himself to imputations of indiscretion or bad intention—that warning was always liable to be construed as menace—that some secret wish might be supposed to be father to his professed apprehensions,—and that he might be accused of actually suggesting the machinations which he professed to dread. But he was too much in earnest to be scared by such considerations. It might be well generally to be very cautious in speaking of such topics, but it would be a silly affectation to deal in vain denials and coy whisperings about that alienation of Ireland of which all the world, friend or foe, at home or abroad, spoke openly as a notorious fact. Besides, after all, our

policy with respect to Ireland had unhappily accustomed us to regard the chances of resistance to the laws as a very important element of every decision which we came to respecting that country. No great improvement in the state of Ireland had ever been brought about by strictly constitutional means. The arms of the volunteers, and the perils of the American war, extorted the first concessions to the Irish nation. The elective franchise was conceded to the Irish Catholics in the first uneasiness of the war with revolutionary France. The concession of Catholic emancipation was attributable, not to any improved feeling on the part of the Imperial Legislature, but mainly to the terror occasioned by the midnight trainings and marchings of the peasantry, and the notorious disaffection of the Irish regiments. Indeed, the history of that great measure was full of warning to the Gentlemen opposite, who thought that this question was to be settled by votes at the polls, and in the divisions of the House; and who imagined that the winning two or three seats at Walsall, and other places, would enable them to re-establish an ascendancy party in Ireland. At the general election in 1826, the "No Popery" cry was raised with so much effect, that at the ensuing division on the question of emancipation, its advocates found themselves, for the first time for many years, in a minority in that House; and yet it was the same Parliament that repealed the Test and Corporation Acts, and but two years after passed the Emancipation Act by overwhelming majorities. Let them look now, as before, to such considerations; and before they committed themselves to a retrograde policy, and to direct hostility with the Irish people, let them discuss with the calmness and earnestness due to so grave a question the possible consequences of a vote which the Irish people would undoubtedly regard as indicative of a design of restoring the ancient and detested yoke of the ascendancy. Let them examine whether they were more likely than before to acquiesce in such a policy—whether their moral and physical strength was diminished since Parliament last yielded to it,—and whether external circumstances were such as to render it more safe for the House now than before to alienate their affections. Let them look to the entirely altered character of the Irish people within the last forty years. The Irish people were not now a cowering, dejected, and disunited people, as they

were at the close of the last century. Their condition was not now such that they could be goaded by ill usage, or lured by false hopes into unprepared and ill organised attempts at armed resistance. At that time they had none of the courage that could sustain them against reverses, no leader to give direction to their efforts. But since that period the Irish people, had become a people trained and organised by the most skilful leaders that the world had ever seen. They had become organised by the constant and skilfully applied agency of the most popular and effective priesthood in the world, and by that which organised and changed the character of a people more than any other cause whatever, namely, constant and uninterrupted success. Since the formation of the first Irish Catholic Association the career of the Irish Catholic had been one of unbroken triumph. Gain after gain they had made, and obstacle after obstacle had yielded to them. Every year of that period had marked the effacing of some odious distinction, of late their triumph had been even more signal. It had been made matter of reproach to the present Government, though he thought it their highest honour, that within the last five or six years the Irish Catholics had enjoyed power in their own country. The Catholic people had seen the Government administered by those in whom they had confidence. They saw power used, not against them, but actually for them. And it was no slight addition to their triumph that all these advantages had been proclaimed to the world by the lamentations of those who had been their oppressors. But the Irish people had even a greater triumph than this. They had seen Irish representatives—and it had been made matter of reproach that evening, of all persons in the world, by an Irishman, that the votes of Irish Members had some influence in that House,—but the Irish people had seen their representatives influencing the balance of power in England; they had seen the policy of the executive Government of this empire influenced by the adhesion of a great party to the principles of just and liberal government in Ireland. Consider how these things changed men's character, how they gave them a different spirit from what they had before. These things had taught the Irish people the advantages of union, and the sweets of power and victory, and made them very different antagonists to a Tory Government from the wretched

rabble whom their militia trampled down in former times. He would advert to one thing as an instance of such a remarkably altered character as made the Irish people one of the most formidable that ever a Government had to deal with. He meant the temperance movement. Now, in spite of some disposition shown by certain organs to make temperance a party question, and to hold forth drunkenness as a true Conservative doctrine, he did not believe that there was any Gentleman in the House who could feel for the honour and dignity of his fellow creatures, that did not rejoice at the effects likely to be produced by that movement. But what seemed to him far more worthy of notice and of admiration than the effects of the movement was the cause which must have preceded it. Greatly altered, indeed, must have been the moral state of the people, before they could have achieved that unanimous abandonment of drunkenness. In the last century you might as soon have prevailed upon the Irish peasant to give up the use of air as of whisky. A peasantry who could do so must be in a state of great moral susceptibility. It must be under the influence of very high feelings, and of a very powerful public opinion of its own. It must have the power of spurning the pleasures and interests of the moment for the sake of distant good, and it must be capable of deep enthusiasm, and great self-denial, for a cause of a pure and abstract nature. Such susceptibility implied a power of being directed by the advice of their leaders, and, above all, by their priesthood, of which an extraordinary development might be expected when any occasion required it. He had never known a more remarkable instance of the exercise of such influence than on a late occasion, when an emigrant ship was about to leave the port of Limerick. The quay was covered with families from the adjoining county—one of the poorest neighbourhoods in Ireland. They were about to embark for Texas, with every prospect of abundant food, high wages, and constant employment. But the hon. and learned Member for Dublin chose to denounce the scheme. The priests and the agitators took it up, and such was their influence, that those miserable people allowed the vessel to go away, renounced the prospect of food and plenty, and, at the command of these priests and agitators, returned to the cold and hunger and hopelessness which are the lot of the Irish peasant at home. If

a people could make these sacrifices for such an abstraction as Texian slavery, what would they not renounce at the bidding of their priests and popular leaders for a great national cause? These things should make statesmen think in England. A people who could exhibit such self-denial as this, at the command of their leaders, must be a people to whom no wise Government would give substantial cause for national resentment. Had they the hope that these things could be countervailed by any great love for the English people? Look to the popularity of repeal. It was a proof of the hatred of the great majority of the Irish people towards this country. Because he did not suppose that they were led away by his hon. and learned Friend's extraordinary notions of general policy, or his execrable political economy, but he believed that the one word "repeal" was the one word that expressed to Irishmen the long and just resentment of the nation against their English oppressors. He said it with sorrow, because he always felt sorrow that justice should be against his own country. But he must confess, he very much feared, if he were an Irishman himself, that his passions would get so far the mastery over his reason as to make him join in the feeling. It must be confessed—there was no use in denying it—that the English Government had oppressed Ireland, not only more than it had been oppressed by any other government, but he would venture to say, more than any country had been, by any Government in Europe, unless they went to Turkey and its conduct to Greece. It was true, and this was a sufficient answer to the sweeping denunciations of his learned Friend, that the feelings of the English people had been improved of late years, as was proved by the fact, that for the last six years the Government had been kept in power on the ground of adhesion to the principles of liberal Government in Ireland. But, on the other hand, it was very natural that national resentment of long standing, caused by grievous provocation, should outlast the cause which had given it birth. And whatever justice had been done to Ireland, enough of exclusion and injustice remained to keep up irritation and the sense of former oppression. When he looked at the language and conduct of the powerful minority opposite—a minority which boasted itself to be a majority of English Members—when he looked at the language of some of the

leaders, and of their most widely circulated press, he could not wonder at the Irish feeling irritation against England—or at their attributing to that party a settled design of rooting out the religion of the people, and destroying their national existence. What was that language? The terms by which they described the whole people was sometimes that of “aliens,” and sometimes that of “savages.” Their representatives were stigmatised as “perjurers.” Their religion was described as a grovelling and mischievous idolatry, and the priesthood whom they loved and venerated more than any people in the world loved and venerated their priests, were declared to be “surpliced ruffians.” When they saw a great party using such language—a party which had never willingly granted anything to the people of Ireland, but had always supported every measure of coercion and disfranchisement, when they saw such a party gaining at elections, and forcing its way into office with every manifestation of animosity to the Irish people, he, as an Englishman, must regret, but he could not complain, that the Irish showed no relaxation of their ancient hostility. What was to be the result of that hostility if an ascendancy policy was to be forced upon them? He did not anticipate an Irish insurrection—certainly not so long as the hon. and learned Member for Dublin lived; because he had found out the great secret of resistance to a Government. He had taught the people that the insurrection which was to be effective in coercing a government was that which never broke out, but was always to be apprehended. They had now been accustomed to this kind of permanent insurrection in Ireland, and they had found that, for many years, it entailed on the Government all the precautions, all the harassing anxieties, and all the expense of civil war, without giving any pretext for that revenge which might crush and terrify rebels. Now what would be the consequence of an ascendancy policy? It would be, that the whole good of the last six years would be utterly undone, and that we should see the re-establishment of all the ancient disorder, and insecurity, and terror in Ireland. They would again have the sympathy of the whole population arrayed on the side of crime and the criminal; they would have to keep the peace of Ireland with double the present garrison. They would have every mode of expressing public opinion,

petition, public meeting, brought to bear, and turned into an instrument of agitation, and they must have recourse to coercion bills, and to the suppression of every expression of public opinion. Now let him ask—though he hardly knew how to touch the topic, whether the present state of our foreign relations was not such as to suggest great caution and conciliation in dealing with our own people? He saw with horror the intimation of a rupture that had appeared. He could not shut his eyes to the fact that there was a more inimical feeling in France against this country than there had been since 1815. There was growing up rapidly in the United States of America a feeling similar to that which led to the last war. He had as great a horror of war as any one; but the warmest advocate of peace must admit, that a war was a more probable contingency now than at any period within the last twenty years. This was a time rather to conciliate than to exasperate the Irish. We might want their cordial support ere long. He did not suppose the contingency of an invasion, which seemed to alarm hon. Gentlemen opposite. He did not think it possible; but if it were, he trusted, that a better feeling would be found amongst the Irish now than in former times. But he had said, that in the event of a war, we should want the cordial support of the Irish people, and it should be recollected, that on the south of Ireland we depended for a great portion of our soldiers and sailors. It was not wise to excite the ill-feelings of a population, whose aid might be of so much consequence in the hour of need. He would not advert to this topic if he thought the danger unavoidable. Under such circumstances it would be the duty of every man to help to meet the danger in the best way possible, but it was also right, while there was time, to point out how the danger might be avoided. He did not think, that before any hostile force the country need quail in a good cause. Its united energies might well meet the opposition of any foreign power. But it was not wrong to dwell on the advantages of union, or to tell them that this was a time for settling and not widening domestic differences; that it was not a time for the miserable policy of adding Ireland to the list of foreign and hostile nations. There was one thing that consoled him under these apprehensions, and that was, that the Tories possessed the one redeeming quality of great pusillanimity. The dangers which, in the hey-day of passion and exultation, they

overlooked, they would see sharply enough when their interest required it. They would pursue their odious policy as of old, so long as the irritation of the people did not break out into absolute convulsion; but when real danger arose; when disturbance assumed a serious form; when Chartism in England required the garrison of Ireland to put it down, or foreign war required the exertion of the national force abroad—that instant the frail fabric of this wretched policy would crumble into dust, and the extent and rapidity of their concession would prove the folly of the course they were now attempting. And, attempting for what? For what, said the hon. Gentleman, is it that you are encountering these certain evils, these fearful risks, and this ultimate humiliation? You cannot deny, that the course you are taking occasions the utmost irritation among the mass of the Irish people. The results of such irritation may very possibly be less serious than I consider them likely to be; but they must be mischievous; and what object have you in view for which it is worth while encountering any mischief or any risk? Is all this crisis forced on in order to turn out the present Ministry? You could hardly have brought your great strength to bear on them in a manner so calculated to annoy, not them, but their successors. Is it for the wretched gain of some dozen of Irish seats, which it is supposed, that a juggling system of registration may transfer from the people to a handful of petty Orange squires? Ten times the number of seats that could be so gained, could not compensate a Government for the weakness attendant on constant collision with the feelings of Catholic Ireland. There is really no necessity for any collision between the Irish people and its government. The last six years have shown with how little that people will be satisfied, and how easily it may be ruled. Had the course of common prudence been long ago adopted with regard to them; had the Government of England treated the Irish with the justice and wisdom which it has shown in its policy towards the Hindoos; had we respected their religion; had we conciliated the people by conciliating its leaders; had we conciliated their leaders in the way in which all popular leaders may be conciliated, [*Cheers.*] excepting those disinterested Gentlemen opposite, who cheer, and who never care for what I am going to mention; that is by the powers, and honours, and emoluments of office; above all, had we attached their

priests to us, as every wise Government attaches to itself the priests of whatever may be the faith of any large portion of its subjects, by pay and respect, the people of Ireland would by this time have been perhaps only too easily managed by the Government. Why have we deviated thus far? Why are we called upon to deviate yet more widely from this sound, simple policy? I ask again, for what? For what object, that common sense does not laugh to scorn, and common justice does not repudiate with horror?

Sir J. Graham: If I considered this House to be a mere theatre of display—an arena for dialectics, or for the trial of rhetorical skill—I would gladly have contented myself with giving a silent vote on this occasion, and confided the dissection of the speech of the hon. Gentleman who has just sat down to some more able hands. When the hon. and learned Member first rose I doubted whether it was consistent with my duty to follow him. The hon. Gentleman commenced his speech with a legal argument, and boasted of the candour he was about to display, and the calmness with which he meant to apply himself to the discussion of the question before the House; but whilst that was his strain, I confess I somewhat marvelled at some of the topics which he introduced. I, at first, attached some weight to the hon. and learned Member's legal opinion, but my respect for that was diminished when, with the candour of which he boasted, he declared that no lawyer could be found who would express an opinion against the party with which he acted. The hon. and learned Gentleman also gave a specimen, not only of his candour but of his knowledge, which, I own greatly surprised me, when he ascribed to my noble Friend the Member for North Lancashire all the evils of the certificate system in Ireland, although, as every one knows, the source of those evils dates from the period of the 35th of Geo. 3d. The hon. and learned Gentleman likewise censured my noble Friend for introducing, or, at all events, continuing the present system of registration in Ireland, and when my noble Friend demurred to this accusation, the hon. and learned Member had the candour to suggest, that possibly my noble Friend had, in this matter, erred from an oversight. So far from it being the result of an oversight, the noble Lord opposite, the Secretary for the Colonies, will bear me out in stating, that at the time of the introduction of the Reform Bill, both my

noble Friend and Lord Althorpe repeatedly and distinctly stated that they designedly left the system of registration in Ireland as they found it, until they ascertained by experience the result of the new system of registration in England. The hon. and learned Gentleman next attempted to fix upon my noble Friend an immutable preference for the appellate jurisdiction of the judges in Ireland in the case of the franchise, but the House cannot forget that my noble Friend has expressed his willingness to consider in committee any suggestion for a more impartial, learned, and trustworthy tribunal, if any such can be pointed out. Then the candour of the hon. and learned Gentleman induced him to refer to the possibility of judges being tainted with political feelings, and disregarding all more recent examples—and such must assuredly have been in his contemplation—he thought fit to assail the memory of one of the most upright judges that ever adorned the English bench. [*hear, hear*] The hon. and learned Gentleman did not think it beneath him to assail the memory of Lord Mansfield. In the next place the hon. and learned Member referred to the old election committees of this House as the supreme appellate tribunal and the most trustworthy, and set up the decision of the Longford Committee as conclusive on the question of beneficial interest. [*Hear, from Sir G. Strickland.*] I see that the hon. Member for the West Riding of Yorkshire nods assent to that eulogium on the old election committees. I would like to know whether it is as Member for the West Riding or as Chairman of the Hull committee that the hon. Bart. rejoices in the eulogium on the memory of those tribunals which, thanks to my right hon. Friend the Member for Tamworth, have ceased to disgrace the Legislature of this country. It is probable that I should not have followed the hon. and learned Member into these topics, had it not been for the exciting nature of the latter portion of his speech. I agree with the hon. and learned Member in thinking that this is a question of great importance. I think the hon. and learned Member said, that on no occasion had a question of greater importance or more pregnant with consequences, been debated in that House since the revolution of 1688. He stated, that amongst the circumstances by which we are surrounded, it was impossible to contemplate coming events without great

anxiety; but for my part I do not envy the patriotism which dictated the latter portion of the hon. Member's speech. I doubt whether at any period upon the Corn Exchange of Dublin a greater inducement has been held out to Irish feelings of dissatisfaction or excitement by the most turbulent English Radical. I noticed a marked similarity between the speech of the hon. Member, and the speech of the right hon. the Secretary at War, on the preceding night, with reference to some of the topics which have been used. The right hon. Secretary at War attacked this side of the House and the bill of my noble Friend: both he and the hon. and learned Member deemed it expedient to shift their ground; and they accordingly spoke, not as if the question before the House were the second reading of the bill of the noble Secretary for Ireland, but as if the question under discussion had been the bill of my noble Friend. The Secretary at War, who is no less a great orator than an experienced critic, designated the legislative effort of my noble Friend, not once but again and again as a childish one. No doubt the right hon. Gentleman rejoices in the strength of a giant, and he may, therefore, consider such an effort to improve the system of registration in Ireland as puny and childish, but his colleague, the noble Lord, the Member for the West Riding of Yorkshire, discovered even last year, that it was a troublesome child. The noble Lord, last year, endeavoured to smother it almost at its birth, and this year he has tried to change it at nurse. If the right hon. Secretary at War will make just such another speech as he delivered last night in some future debate, and give my noble Friend an opportunity of instantly replying to it, he will discover that this child can hit somewhat harder than he expects, and will also discover that his speeches contain within them something more than glittering conceits and impotent puerilities. I cannot help thinking, that the attack of the right hon. Gentleman on the measure of my noble Friend had been prepared for the second reading of that bill, and that it went off at half-cock last night. It appeared as if he had primed and loaded for the bill of my noble Friend, but that he was unable to restrain his fire, and that he had fallen under the delusion of believing the bill before us to be the bill of my noble Friend. The right hon. Gentleman had professed that he would not go into details—or, to use his own expression, touch upon

the machinery of my noble Friend's bill ; and yet, with a marvellous oversight, the greater part of his speech consisted of attacks upon details. In doing so, it seemed to him that the right hon. Gentleman had not read the details of the bill, upon which he was commenting. I may refer to one or two points. First, the right hon. Gentleman gave us a dissertation upon the torture of annual registration, and yet we find that that "torture" had been originally proposed by the noble Lord, the Secretary for the Colonies. My noble Friend, however, has remedied the defects of the original plan, by giving a power to amend oaths in cases of vexatious objection. This is a provision of great importance, and ought not to be overlooked by those who object to this part of my noble Friend's measure. The right hon. Gentleman, the Secretary at War, illustrated the hardship which would result from the bill of my noble Friend, by instancing the case of his own vote at Cambridge, and he said, "if I were called on annually to go to Cambridge to defend my vote, I would forego the privilege of voting altogether in consequence of such vexatious opposition." Now, to that, I answer, that the bill of my noble Friend does not require any such attendance on the part of the voter when once upon the register ; it does not require him personally to appear ; it allows him to employ a third person to appear for him in case of an objection being raised against his vote. I will now, however, pass from these matters of detail. I do not mean to imitate the example of the right hon. Gentleman, but will rather follow that which has been set me by the hon. and learned Gentleman, and deal with the great features of the case. The right hon. Secretary at War stated, that the rule laid down in the bill introduced by the Government, with respect to the franchise was the very essence or vital principle of the measure, and he further said, that the bill was framed in the spirit in which the legislation of the country ought henceforth to be conducted. Now, considering the vast importance which has been attached to this vital principle of the bill, I must call the attention of the House to the very late introduction of it into the bill. Throughout the whole of the last Session the Government kept the question of franchise separate from the question of registration, and on the first day of the present Session, a period at which the intentions of my noble Friend were not known with re-

spect to his bill, the Secretary of the Treasury gave notice, on behalf of his noble Friend, the Secretary for Ireland, that he would introduce a bill "to amend the system of registration of voters in Ireland." My noble Friend, the Member for North Lancashire, afterwards obtained leave to bring in his bill, and it was not until then, not until her Majesty's Ministers had seen the course which my noble Friend intended to pursue, that they made up their minds, and introduced that which it now appears was the great vital principle of the bill. It is evident that that which is now declared to be the vital principle of the bill was an after thought. It is not unworthy of observation, that no sooner had the right hon. Secretary at War announced what he considered to be the vital principle of the measure, than feeling the inconvenience of pledging the Government to open questions of any fixed principle whatever, he remarked that it was quite open to the committee to alter the 5*l*. qualification, and the lease for fourteen years. I will now proceed to state, as shortly as I can, the strong objections which I feel to this measure ; and they are so strongly felt by me, that there is no consideration such as has been suggested by the hon. Member for Shrewsbury, in the hope of conciliating both sides of the House, which could induce me to agree to it ; and I perfectly accord with my noble Friend, the Member for North Lancashire, in saying, that if I stood alone, I would resist the second reading of this bill. It appears to me to be framed for the sole purpose of adding numbers to the Irish constituency, without regard to the principle of qualification. It has been stated very clearly by my hon. Friend, the Member for Woodstock, that there has been always recognised in the law of England a marked and decided difference between the principle of qualification in counties and in boroughs. The principle of the franchise in counties has always been, that a fixed interest or estate in land, yielding profit, was the qualification for counties. The principle constituting the qualification in boroughs has been occupation with residence, and with the payment of rates. Now, this bill appears to me to be entirely subversive of the principle of qualification in counties ; and I cannot but see, that under the provision of a 5*l*. valuation without payment of rates, and without any profit whatever, the whole principle hitherto recognized as the exclusive qualification for counties is at once overthrown.

As relates to boroughs, there is not a shadow of a case for the introduction of so great a change. I can conceive, with respect to counties, that there might be some difference from the former qualification; but with respect to cities and boroughs no such excuse has been offered. But if we admit this diminution of the amount of the franchise in the cities and boroughs by one half in Ireland, I ask (and in this I agree with the hon. Member for Kilkenny,) upon what principle can her Majesty's Government resist this extension of the franchise to England and Scotland? The occupation of a 10*l*. house is taken as the test of the station and respectability of the party occupying it; and, if the noble Lord and his colleagues say, that in Ireland the occupation of a 5*l*. house is a sufficient test of the respectability, of the property, of the independence, and of the station of its occupier, it will be for them to show—and I cannot conceive by what argument they will prove it—that a 5*l*. elector in England or Scotland, was less trustworthy or less obedient to the law than a 5*l*. occupier of a house in a borough in Ireland. But I conceive that the object of the Irish Reform Bill with respect to the counties was to add to the freeholders possessing franchises under the act of 1829, by providing that leaseholders possessing a profit equal in amount to a freeholder should have a vote. The object of that measure was to extend the basis of the franchise as fixed in 1829; but it broke through no principle which the act of 1829 had established: it did not make property subservient to numbers, and did not degrade the station of the electors. I confess that I have always been of opinion that the real principle of an elective system is, as stated in the clearest and most forcible manner by the highest constitutional authority, Mr. Fox, “that that was the best system of registration which admitted the largest number of independent electors, and excluded the largest number of those who from their circumstances were necessarily dependent.” It was on that principle that the act of 1829 and the Reform Act were passed. I strongly contend for the solvent tenant test, and agree with the hon. Member for Halifax, that words cannot be found more clear and distinct than those which establish that test as it now stands. I do not think that any definition of the franchise is necessary. I agree in the opinion that it is much to be lamented

that some of the judges in Ireland did not take the interpretation of the law from the majority of their brethren. At the same time, I acknowledge that if the unwillingness of landlords to grant leases should diminish the constituency to any great extent, I would consider that a very serious evil. But that fact must be proved; the extent of the evil must be shown, and the cause of it must be made manifest: and, for one, I am of opinion that no remedy could be entertained which should not place the right of voting on a principle which should give to the State a security as to the perfect independence and respectability of the voter. In the course of this debate reference has been made to the small number of voters in the county of Mayo. It so happens, that when the Reform Act was under discussion, Mr. Dominick Browne in moving that an additional representative should be given to the county, made some statements which merit the consideration of the House on the present occasion, as they have a direct bearing on the arguments chiefly employed by the opponents of my noble Friend's bill. Mr. Dominick Browne stated, that under the 40*s*. franchise the number of electors amounted to 25,000, and that with that numerous constituency four landed proprietors in the county, had the absolute power of nominating both the Members. But he went on to state, that when in consequence of the act of 1829, the number of electors was reduced to 700, the constituency was independent, and no combination of landlords could influence the election. I adduce this as a proof that the independence of a constituency is not necessarily proportionate to its numbers. As an instance of the state of the population of the county of Mayo, I may remind the House, that my noble Friend, the Member for North Lancashire, has stated from official documents, that out of 350,000 inhabitants of that county, 225,000 had in 1831 either applied for, or received charitable relief. No answer has been as yet made to the statement of my noble Friend near me, with respect to the comparative numbers of landholders in Great Britain and Ireland. There are, in Great Britain, 34,250,000 statute acres, and in Ireland, 14,500,000 statute acres; in Ireland there are 659,000 holders to occupy that number of acres, and in Great Britain there are 355,800 holders; in Great Britain 187,000 landholders, or more than half the number employed labourers, and paid them

wages, while in Ireland only 95,000, or less than one-fifth of the whole, found employment for the remaining 564,000, and employed no extraneous labour. That shows the proportion between both countries of comparative independence, and it should not be forgotten, when we wanted to estimate the real proportion which the constituency ought to bear to the Members. The vice of the noble Viscount's bill is the introduction of numbers without regard to property, and this has been purloined from the hon. and learned Member for Dublin. I ask the Government whether they believe they have the slightest chance of passing this bill? The hon. Member for Shrewsbury (Mr. Slaney) has observed, that, in his opinion, the vindication of the measure before the House was the probability of its passing into law, and that it would be greatly to the interest of the Conservatives, that the bill should pass into law. My belief is, that if there was any such probability, and it could be proved to the satisfaction of the noble Lord, the Secretary for the Colonies, that would be one reason among many others why he would not wish it to pass into law. Apart from any other reasons, I ask the noble Lord whether there is, in the present state of parties, the slightest prospect of this measure passing into a law? If there is not, what is the inevitable consequence? It has been put by my noble Friend, the Member for North Lancashire, and I will put it again—whether, in the present state of the House and of parties, her Majesty's Ministers are not playing over again the game of the appropriation clause. A settlement had been tendered on that occasion by which the burden of tithes would be at once removed from the Catholic occupier to the Protestant landlord, with a diminution of 25 per cent., but the noble Lord the Secretary for the Colonies attached to that a condition which he knew it was impossible for Parliament to agree to. So it was exactly now. After fighting this registration question as long as possible, and feeling that they could no longer, in the face of the British public, vindicate the perjury and fraud that existed under the present system—feeling that they dared no longer openly defend them—what course do they take? They attach to the remedy of these avowed evils a condition which they know they cannot fulfil, and no longer defending fraud and perjury, which have been proved and acknowledged to exist, they now pur-

sue a course which must inevitably perpetuate that fraud and perjury. I contend, that the adoption of this measure would inevitably lead to the extension of its principle to England and Scotland. It should be recollected, that an extension of the suffrage in England has been constantly refused to that party in the House which usually supports Government, but which is at the same time pledged to extreme opinions. Now, I say, the Government is yielding this extension in the most dangerous quarter, and at a most dangerous moment, at the suggestion not of English radicals, but of Irish repealers. If I had not objected to the principle of the bill, I should still have found it impossible to acquiesce in any such concession, on account of the rapid progress which has been recently made by the Government in dangerous concessions of this description. Will the House allow me shortly to trace what that progress has been? In 1839, her Majesty's Ministers having come to the conclusion that they no longer possessed sufficiently the confidence of the House to carry on her Majesty's service with advantage, resigned office. They returned to place under circumstances upon which I will not dwell. Within a week after their return to office an hon. Member, a supporter of the Government, the Member for Preston (Sir H. Fleetwood), made a motion to the effect that a 10th occupation franchise should be extended to the counties of England, one-half higher than that now proposed for Ireland. The hon. Member for Bridport (Mr. Warburton) made on that occasion a most pathetic appeal to the noble Lord, the Secretary for the Colonies; he complained of the noble Lord's resistance to the measure, and reminded him that his supporters would have to go before their constituents in a short time, and that if the noble Lord persevered in his objection to the proposed measure, it would be the most unfortunate day for them that had ever occurred. That hon. Member went on to say, that they must have some popular topic for the hustings, some popular ground for continuing their support to the Ministry; and that unless the noble Lord gave way on his part, he must not longer reckon on their support. The hon. Member for Sheffield (Mr. Ward) stated his opinions more explicitly. He expressed a hope that the noble Lord, the Secretary for the Colonies, might be induced to give way, and he told the noble Lord that two-thirds of the party which he attempted to lead

went beyond the narrow line which he had laid down, that it was impossible to keep the party together upon the principles professed by the noble Lord, and that it was therefore incumbent on him to give way. So the Session ended. I thought at the time that it was probable some such concession as that sought would be before long proposed by her Majesty's Ministers after the pressing appeals made from such quarters; but my suspicion was converted into certainty when I read the speech of the right hon. Gentleman, the Member for Edinburgh (Mr. Macaulay). When the right hon. Gentleman was elected, he announced distinctly to his constituents that he was a decided advocate for the extension of the 10*l.* occupation franchise to the counties of England and Scotland, and the right hon. Gentleman was admitted into the Cabinet avowing those opinions. Immediately after the commencement of the next Session the ballot was made an open question. A member of the Cabinet, before he took his seat, having declared in favour of the 10*l.* occupation franchise, and the ballot being made an open question, we have arrived in the course of eighteen months in this rapid progress of concession to a tender of 5*l.* franchise for the counties of Ireland. I ask to whom is this concession made? Why, distinctly to the hon. and learned Member for Dublin, and to him alone. The merit of this measure rests entirely with that hon. Gentleman. The hon. and learned Member originally proposed it in 1832, when the Irish Reform Act was introduced, and he has pressed it from time to time. It has been occasionally resisted with more or less of firmness, and I must say, that I have the most evil forebodings as to the use to which the concession will be applied. What can be more plain than the assertion of the hon. and learned Member for Dublin that this is not an end, that it is, in fact, only one of the means to far other ends. The hon. and learned Gentleman has frankly avowed this, and there can be no misapprehension on the subject. That avowal has been recorded in the most authentic shape. I ask the House to pause and deliberate whether they are prepared, with such objects avowed, to make concessions of this description? The first object avowed by the hon. and learned Member for Dublin is, that there should be the same franchise for England and for Ireland, and, not satisfied with that, he

demands a large extension of both. This second object is an alteration of the proportion of the representatives of the three kingdoms, and grounding his demand upon the amount of population, he requires that the representatives of Ireland should be 175 in number. The hon. and learned Gentleman's third demand, without which he says there can be no peace in Ireland, and as far as he is concerned there shall be no peace, is the confiscation of the property of the Protestant church, twenty-five per cent.—be it recollected, having been already taken away—to public uses, in which Catholics shall participate with Protestants. These are the hon. and learned Gentleman's avowed objects. But are there any other objects not so openly avowed, but yet not very indistinctly shadowed forth? Has not the hon. and learned Gentleman talked of a separation between the two countries in a manner not to be misunderstood? Has he not spoken of Hanover, and Belgium, and Switzerland, as being all independent countries, with a population infinitely less than that of Ireland? But it is vain for me to attempt to repeat the secret purposes which the hon. and learned Member has in view, and therefore I will read to the House, with its permission, a much shorter and clearer exposition of those intentions than any I can myself offer. The words which I am about to read were uttered by the noble Lord the Secretary for the Colonies, and they thus describe the intentions of the hon. and learned Member for Dublin.

“All that has lately passed in Ireland shows that the objects in view are neither more nor less than an attempt made under the name of a Repeal of the Union, and separate Parliaments, to disunite the two countries, to confiscate the property of all Englishmen who had property there, to overturn the united Parliament, and to establish in the place of King, Lords, and Commons, some Parliament of which the hon. and learned Member for Dublin should be the leader and chief, and in which no doubt he would play a conspicuous part, but in which it would be impossible to go on for a single year without involving the two countries in a war which must tend to the destruction of one or the other, which must lead to the degradation of both, and to that loss of power and dominion which this country has hitherto possessed.”

This was at that time the noble Lord's exposition of the designs and objects of the Repealers. [Mr. Hume: At what time?] In 1832. Can the hon. Member for Kilkenney suppose that the date makes any

difference? Is there anything since in the principles professed, or the conduct pursued by the hon. and learned Member which makes any difference with respect to these observations? I ask the hon. Member for Kilkenny to point out any change in the language or conduct of the hon. and learned Member for Dublin to give reason to suppose that these terms are not at present applicable. The hon. and learned Member for Liskeard made one observation, which appeared to me one of great point; namely, that with respect to parties, the nominal heads are often only the real instruments of their followers. Now, I beg to say, that it is not the Government that directs the movement in Ireland; they have lost all control over it; it is entirely in the hands of the hon. and learned Member for Dublin. That hon. and learned Gentleman demands the present concession as a means leading to an end which I consider most dangerous, and I am astonished that her Majesty's Ministers have calmly, and I must say recklessly, submitted to it. But if my astonishment is great at a concession of this nature, my surprise is greater at the accusation made by the noble Lord, the Secretary for Ireland, against my noble Friend, the Member for North Lancashire. The noble Secretary said, that the present state of the repeal question in Ireland is to be imputed to my noble Friend. I beg to ask, what has been the conduct of her Majesty's Government with respect to repeal? Have they exerted the legitimate authority of Government to put it down? I am not talking of violent means; but, I repeat, have they used the legitimate means they possessed? It is true, that Lord Ebrington has recently declared his intention of not countenancing by his patronage any person who is favourable to the agitation of the repeal question; but I ask, what has been the conduct of the advisers of her Majesty upon the subject of the distribution of their patronage?—that instrument by means of which, according to the hon. and learned Member for Liskeard, all popular leaders are to be conciliated. This seems to be the recipe which the Government have employed for putting down the repeal agitation in Ireland. In 1834 the hon. and learned Member for Dublin brought forward a motion in this House for the repeal of the union. On that occasion thirty-eight Members voted in the minority with the hon. and learned Member for Dublin? I will now read to the

House from the division-list the names of some of those Gentlemen, in order to show how large a proportion of them have been conciliated by the means that have been described by the hon. Member for Liskeard. The first on the list is Mr. Fitzsimon, a near relative of the hon. and learned Member for Dublin, who has been made clerk of the Hanaper in Ireland. [Viscount Morpeth, Mention the date of the appointment.] The date I am sure the noble Lord can himself supply. The next on the list is the name of Mr. Kennedy, at that time Member for Tiverton, to whom the noble Lord, the Secretary for Foreign Affairs is under deep obligations, and this Gentleman has been appointed slave-commissioner at the Havannah. The next is Mr. Lynch, appointed a Master in Chancery. Then came Mr. M. O'Connell, appointed clerk in the Registry-office; and Mr. O'Dwyer, appointed Filacer of the Exchequer. There is another Gentleman, upon whom the dignity of Baronet has been conferred, I mean Sir David Roche; and there is another appointment which I believe is still in abeyance, I mean the appointment of Mr. Fitzsimon as police magistrate; but perhaps the noble Lord, the Secretary for Ireland, will furnish the House with the date of this appointment. These Gentlemen all voted in 1834 for repeal, together with a right hon. Gentleman who acted as teller on the occasion, and who is now Vice-President of the Board of Trade (Mr. Sheil). Then last, but by no means least, in my estimation, comes the author of the motion—the hon. and learned Member for Dublin himself. I have the hon. and learned Member's authority for stating that one of the highest judicial appointments in Ireland, whether criminal or civil, was offered to him. The hon. and learned Member announced this fact last year, and I was so struck with the words he used that I took them down at the time. The hon. and learned Gentleman said, that the office of Chief Baron in Ireland had been offered to him by her Majesty's present advisers, and that he had refused it for this reason, that he dared not trust himself; and the hon. and learned Gentleman further said, and I thought it was honourable to him, that he would not run the risk of accepting the office, lest the name of justice should be polluted in his person. This was undoubtedly a most gratifying compliment to the Government that made the offer. I am bound to say, that in turbulent times flattery is by no means

confined to courts; the public also in such times have their parasites, their panders, and their slaves. I had thought, that the noble Lord, the Secretary for the Colonies, had discarded all meretricious arts, and I read with infinite satisfaction the noble Lord's address to his constituents at Stroud, in which he declared that he would not again evoke the charm of revolutionary enthusiasm; and that, to use the language of the noble Lord himself, "he was not prepared to lift the anchors of the monarchy when the signs of storms were black in the horizon." I rejoiced in those sentiments. I think there are times when courage is prudence, when compromise is crime, and when silence is dishonour; and I hope, therefore, before the debate closes, that we shall know distinctly from the noble Lord what are his present intentions. Is the noble Lord weary of the Reform Act? Is the noble Lord's principle now to enlarge constituencies, and to make property prostrate before numbers? Hon. Members have no doubt read the correspondence that had taken place between Lord Fitzwilliam and Mr. Marshall, respecting a meeting that was held at Leeds. Now, when I remember who Mr. Marshall is, and the numbers and object of the meeting at which he presided, and the resolutions which were passed there, I think it would not be altogether unreasonable or out of place if I were to ask the noble Lord, whether he, too, considers the Reform Act to have been a failure; whether he, too, charges it to the Reform Act as a crime, that it does not give bread and clothing to the people? Is the noble Lord also one of those who say that the movement, the rapid movement of the democratic principle, must either be conciliated or must burst and overflow its bound, and in its headlong course sweep away the monarchy and the constitution? I think we are entitled to know from the noble Lord what are his intentions in respect to these views and these demands? If it is the noble Lord's intention to make further concessions to the democratic principle, let him frankly say so; let him avow the principles upon which he intends to act; and let him be prepared to risk the existence of his Government upon the issue. I warn the noble Lord of the danger of procrastination in a matter like this; I earnestly call upon him to appeal without delay to the people upon his future views of policy, lest he should one day discover that he has survived in office the honour of his admi-

nistration, and has been content to govern by the favour of the Crown, after he had ceased to command the confidence of the people. For my part, I am most anxious to consolidate constitutional reform, and therefore I am resolved to resist this wild democratic movement. I will cling to the measure of Lord Grey, as the best safeguard both for the liberties of the people and the permanency of the monarchy. In 1832 I supported that measure, because I thought that it would be sufficient to satisfy all reasonable demands, and remove for ever all just causes of complaint; and, at the same time, that I supported that measure as the best security against that restless spirit of innovation, which, under pretence of remedying acknowledged abuses, in secret aims at nothing less than the overthrow of all our institutions, even of the Throne itself. I am determined to stand by the Reform Act. Let its provisions be improved, where necessary. Yes, I am perfectly prepared to assist in any attempt to remedy the defects which are found to exist in it—as, for instance, with respect to the machinery of registration; but I am resolved, at the same time, to guard the franchise as it stands; and, above all things, to resist such alterations as those at present proposed, which I am convinced, if permitted to proceed, must end in universal suffrage, and which would overthrow our noblest institutions, and degrade this mighty nation to the level of a turbulent democracy. I will conclude by professing my creed in a few lines that are worthy of their great author:—

"When ancient fabrics nod and threat to fall,
To patch their flaws and buttress up the wall,
Thus far is duty: but here fix the mark;
For all beyond it is to touch the ark.
To change foundations, cast the frame anew,
Is work for rebels who base ends pursue."

Mr. *Sheil*: The right hon. Gentleman, who has just closed a speech, remarkable for the number and the bitterness of the personal allusions with which it was replete, rose to speak after my hon. Friend, the Member for Liskeard had pronounced a speech distinguished by pre-eminent ability, and containing a vast mass of various but most appropriate matter. The right hon. Gentleman, who has just sat down scarcely glanced at that speech, although it afforded to the right hon. Gentleman much matter, most deserving of his attention—he turned once to the speech delivered last night, by the Secretary at War, which had been, no doubt, the subject of his nocturnal meditation. Upon that speech he has animad-

verted with the acrimony by which conversion is proverbially distinguished. He should not have spoken of the Secretary at War as he has done ; he should not (his moral sense should have forbidden it) have spoken thus, of a man who was his colleague, during the eventful agitation of the Reform Bill, who rendered himself conspicuous when the right hon. Gentleman “shrunk from his duty,” and upon one occasion only, departed from his judicious taciturnity, when he “swamped his argument, and capsised his metaphor,” in a fantastic and puerile description of the swamping of the Royal George. How rash a man is the right hon. Baronet ! How utterly he seems to forget, in assailing his former friends and associates, how vulnerable he is himself. He has ventured to talk of an address to the people of Stroud, by the noble Lord, the Secretary for the Colonies. I too remember a speech made at Stroud, by the noble Lord, the Secretary for the Colonies, in which matter was contained, that nearly touched the right hon. Baronet. He should keep clear of reference to Stroud. It was at Stroud, that the noble Lord, the Secretary for the Colonies, stated, that the right hon. Baronet had been one of a committee of five, to whom the task of framing the plan of reform had been committed, and that the right hon. Baronet, the Member for Pembroke, had produced a plan, of which the Ballot constituted a part. Yes, the right hon. Baronet, who now denounces the adventurous spirit of innovation, was an advocate of the Ballot. How ill his present political professions accord with those doings of the right hon. Baronet, to which he is sufficiently indiscreet to provoke a reference. The right hon. Baronet has called me a repealer ; at all events, I am not a “a recreant Whig.” The man who indulges in these personal attacks, in discussing a question which has nothing whatever to do with them, had the temerity to denounce Sir James Scarlett, as “a recreant Whig.” He understands, no man better, the force of that most poignant phrase, “recreant Whig ;” let him, with those words ringing in his ears, call me “repeater,” when and where he shall deem it meet. I pass from the right hon. Baronet, to matter of more befitting observation, the measure before the House. To leave the franchise undefined, not only to leave it undefined, but to involve it in perplexities still more embarrassing and pernicious than those with which it is now en-

compassed—to impede the acquisition of the franchise by means of obstacles which no ordinary claimant can reasonably be expected to surmount ; by an annual revision grounded on matter antecedent to the registry, to molest the voter into a relinquishment of the privilege, which he had been sufficiently unfortunate to attain, and by expedients as unworthy as their purpose is discreditable, to narrow the already limited constituency into dimensions still more contracted, than those to which it has been already reduced—these appear to the supporters of the bill, introduced by the noble Lord, the Member for North Lancashire, to be purposes consistent with the true spirit of the Reform Bill ; while, on the other hand, to rescue the franchise from the ambiguities with which it is enveloped ; to remove all doubt and difficulty upon a subject on which the judges are acknowledged to differ ; to try the franchise by a test independent of the claimant's oath, and thus to take away all inducements to prevaricate ; to facilitate the acquisition of the franchise by the legitimate claimant, by the establishment of some unvarying standard of his right, and to protect that right against any undue and vexatious endeavours to divest him of its enjoyment—by these means, by these just and honourable means to create a constituency which not only to the numbers, but to the growing wealth, and to the moral and social improvement of the Irish people shall be in some degree proportionate,—these appear to the advocates of the measures, and to the policy of the noble Lord opposite, to be purposes at variance with the genius of the Reform Bill. I do not think so ; I regard the bill of my noble Friend as calculated to give effect to the principle on which the Reform Bill was founded, as calculated to defend and fortify the Reform Bill against any future and exceedingly probable attempt which may be made against it by the noble Lord. I regard it as a means of allaying the ferment which at present unhappily prevails in Ireland, as a means of recovering the attachment and the confidence of the country by doing what the Member for Salford, the representative of a great English constituency, has had the boldness to declare to be required by justice to Ireland. What is justice to Ireland ? Your notions of it appear to me to depend far less upon the common principles of equity, than upon those events which affect the rights of one country in the exact measure in which they affect the

rights and the interests of the other. Take as an example what befel when the elective franchise was first conceded to the Catholics of Ireland. In 1792 their petition was contumaciously flung out of the first House of Commons. Six months elapsed. Victory after victory had been won by France, her fleets were upon the high seas—justice to Ireland was seen in a new light, and Mr. Pitt, who was not so bold a man as the Member for Pembroke, but was too brave a man not to shrink from the horrors of civil warfare, saw that the conciliation of three millions (we were then but three millions) was necessary for the safety of the country, and conceded the elective franchise. It deserves to be remembered that the present Duke of Wellington, who was at that time a Member of the Irish House of Commons, strongly enforced the necessity of yielding to the requisition of his Catholic fellow-citizens. Thirty-six years afterwards the impressions of his early youth were revived. So long as the elective franchise was held by the Catholic tenant in trust for the Protestant landlord, so long as that state of fortunate subserviency prevailed, of which the noble Lord on Monday last gave a description so graphic, not unaccompanied by the desire for its restoration, so long against the exercise of the elective franchise, no complaint was made; but when the people awakened to a sense of their rights and of their degradation, when the inspiring influence of that association, which the noble Lord seems to be at pains to revive, pervaded all classes of the vast community, from whose wrongs its existence was derived;—when the elections of Waterford, and of Louth, and of Clare, had given evidence, that with the augmenting numbers, the moral energies of Ireland had expanded—then and not till then, against the elective franchise as an implement of liberty, a clamour was raised; in 1829 the qualification was raised, and if I may so say, Ireland was manumitted with a blow. The solvent tenant test was established; against that test, no man remonstrated with more strenuousness than a young patrician, the representative of a great Whig family, who stood up in the House of Commons as an advocate of the popular rights, and who was in some sort their hereditary champion. In three years after, an opportunity was afforded him of carrying his large and liberal views into effect—to him, who had made himself so conspicuous in the agitation of that eventful period, the Irish Reform Bill was

appropriately confided—he availed himself of the occasion which was afforded him of making a most signal improvement in the franchise, and acting on the principles which he had professed in 1829, he struck out the “solvent tenant test.” Having, however, abandoned the standard of reform, and united himself with the men by whom Gattou and old Sarum had been to the last defended, having leagued himself with that Irish party which he had denounced, whose petitions he now presents, and in whose passions he participates; this conspicuous convert, as if to make a reparation for the deep wounds which he had inflicted upon Toryism, undertakes the task of sweeping away the constituencies of Ireland, and with this view, empowers every landlord to drag his refractory dependent once a year before the assistant barrister, in order that by annually ripping up his title, he may worry him into the abandonment of the franchise, and although there is not a man in this House who does not feel, that to compel the claimant to travel some ten, or twenty, or even thirty miles upon a miserable pilgrimage before the judge of assize, is a most monstrous hardship, although those very judges of assize are at variance with each other, although the elective franchise is every day becoming more involved in legal ambiguity and judicial doubt, although the Chief Baron may decide at Waterford in a manner diametrically opposite to a chief justice at Cork; although the spirit of contention has ascended the bench of justice, and even into the judicial conclave, faction has found its way, yet, despite of all this, the noble Lord, without defining the franchise, presses a new scheme of registration on, involves the question at issue in still greater doubt, and rendering the acquisition of the franchise more difficult, turns all this confusion to account, and shows himself reckless of every consequence, provided the purposes, the bad and factious purposes, of obstruction are secured. And of his purposes, who that heard him on Monday night can entertain a doubt? By whom indeed can a doubt be entertained, who heard him lay down the rules by which the political relations of landlord and of tenant ought to be regulated, who heard him ostentatiously proclaim himself the advocate of a wretched, miserable dependence, who heard him proclaim what the most inveterate Tory would have hesitated to utter? It is as well, however, that the people of England

should know what manner of man has become the standard bearer of Toryism. It is as well that he should have disclosed a sentiment, which beyond every thing else will prove to the people of this country the necessity of arresting the audacious spirit of oligarchical intimidation, and of providing the voter with a shield, by which, against a system of avowed and open terrorism, some protection for the consciences and the liberties of Englishmen may be provided. By these declarations the noble Lord has done good service, for he will put England on her guard, as by his bill he has been the involuntary promoter of the measure brought forward by my noble Friend. If the noble Lord had not committed an aggression upon the Irish franchise, if he had not aimed at it a blow, not the less mortal because it is an insidious one, if while he affects to do little more than change the machinery of the Reform Bill, he did not so change its working, as utterly to counteract its intent; if he had not endeavoured to establish in Ireland some twenty close counties, over which a kind of Tory gentlemen should exercise the privileges of nomination; if he be not engaged in these courses, so formidable a reaction would not have been produced, and the friends of the popular rights would not have been alive to the necessity of strenuously repelling him, of not only forcing him to raise the siege, but of securing the Reform Bill against every future attempt to assail or to undermine it. The noble Lord has thus unwittingly contributed to a measure, which he endeavours to injure, by saying that in point of machinery, it bears analogy to his own. He must, however, have relied on the simplicity of the Gentlemen who surrounded him. The noble Lord grants an annual revision upon matter antecedent to registry, and an appeal to the judge of assize on questions of fact; the bill of my noble Friend grants a revision on matter subsequent to registry, and an appeal only on matters of law, which do not require the claimants presence. But I pass to the rate. You who insisted on the rate being employed as a test of the municipal franchise, before the Poor-law was passed, cry out against the rate being employed as the test of the Parliamentary franchise, when the Poor-law is in active operation, although it is obvious, that by the rate, perjury will be put down. But the valuation is uncertain; not surely so uncertain as the present franchise, which,

to perjury, which, to factious contentions, which, to judicial factions opens the door. Some of the judges have announced, that they will not abide by the decision of the majority. At this determination the hon. and learned Member for Exeter, who has arrived at a far more absolute certainty with regard to the franchise of the people, than he exhibited with reference to the privileges of the House of Commons, is indignant. The violation of a rule of practice excites the emotions of the learned Gentleman; annihilate the franchise, and his composure is undisturbed; but infringe a judicial usage, and all his resentments are aroused. "Shake (exclaimed Lord Chatham, in reply to a mellifluous pleader, who, with professional suavity, was endeavouring to induce their representatives to sacrifice the liberties of the people), Shake," exclaimed Lord Chatham, "the whole constitution to the centre, and the lawyer will sit tranquil in his cabinet, but touch a single cobweb in Westminster-hall, and every startled spider will crawl out in its defence." But does the hon. and learned Gentleman conceive, that by his criticism on the Irish judges, those learned functionaries will be terrified into the sacrifice of their opinions? and if no such hope is entertained, wherefore is it, that no remedy is applied to an evil of whose existence, and of whose enormity no doubt can be entertained? Why does not the noble Lord define the franchise? Instead of doing so, he denounces the Government for proposing what is no more than an equivalent for the franchise of 1832, according to its fair and just definition? Whose definition shall I take? Sir Michael O'Loughlin's. The noble Lord culled out of Sir Michael O'Loughlin's bill every thing that would serve his turn, but he took care to put the antidote, the definition of the franchise, aside. Will you pass Sir Michael O'Loughlin's bill as it stands? No. What right then have you, of mere fragments of that bill to make a disingenuous use? Sir Michael O'Loughlin's definition corresponds with the enlarged view of the noble Lord in 1829, and 1832; and of this franchise the 5*l*. rate is no more than the equivalent. But it will create a pauper constituency, indeed, sweep away the freemen, whose privileges you have preserved for generations of Protestant pauperism yet unborn, and then talk about a poor constituency. The 5*l*. rate will give to Ireland a constituency, commensurate not merely with the numbers, but the wealth, and the intelligence, of an industrious, a rapidly progressive, a

moral, sober, and educated people. Did the noble Lord, when in despite of the denunciations of his present auxiliaries when despite the howl from Caithness to Exeter, he established the education commission, forget that knowledge is identified with power, or did he imagine that to the acquisition of the mere elements of letters, the acute and ardent mind of Ireland would be confined? The people of Ireland are not unworthy of that privilege, whose noble etymology is derived from freedom. They are as well acquainted with their rights as the inhabitants of this country. They know the story of Irish suffering and of British wrong, they know the means by which their enfranchisement was achieved, and that to those means they can again resort, if unhappily there shall be need; they know, how soon after Catholic emancipation had been wrung from you, the Tory party relapsed into their former habitudes; they know that to deprive them of the benefit of British constitution, when the English Municipal Bill was carried, a most unworthy attempt was made; they know that to the prejudices of Englishmen national and religious, the strongest stimulants were applied—they know that they were designated as aliens by the man to whom you mean that the conscience of your sovereign should be confided, they know that again and again, for the basest purposes of faction, the infamous no-Popery cry was raised; they know the bad expedients which were adopted with the concurrence of men, who ought to have shrunk from such an enterprise, to drive their representatives from the House of Commons; they know the history of the Spottiswood gang, and of that history, in the measure of the noble Lord, they see the appropriate and consistent postscript; they know the measure of the noble Lord, and they know himself, and it is as well that the acquaintance should be reciprocal, and that he should know that never with impunity shall he do them wrong. Mark the consequences which have already followed from the measure of the noble Lord. A year ago the country was profoundly tranquil, there was no political agitation, there were no gatherings of the people, the public mind was in a state of quiescence;—the fatal bill of the noble Lord is produced, and the whole country is thrown into confusion. It was easy to foresee what would happen. With what impressiveness my hon. Friend, the Member for Drogheda, who has so deep a con-

cern in the peace of his country, implored the Member for Tamworth to arrest his perilous auxiliary in his career. But I am astonished that he does not himself recoil from the enterprise into which he has been so recklessly hurried. Does he, who but a few days ago, asked the Secretary for Foreign Affairs a question so momentous, does he, who to our foreign relations does not appear to be wholly indifferent, think this is the time, that this is the befitting time, to fill the hearts of millions with feelings of deep, of rancorous, perilous discontent? While France is arming you are disfranchising—while France calls forth her legions you are cutting constituencies down—while round the circuit of her vast capital, fortresses are raised by France, you are levelling the great moral bulwarks from which the best security is derived. Is there not cause to apprehend that deprived of that security, and conscious of the diminution of her power, England may be compelled to recede from the glorious position to which she has been raised, by a lofty-minded statesman? But for the relinquishment of her interests, and the deterioration of her dignity, and in the inglorious gratification of putting Ireland down, an ignominious compensation will, I suppose, be found. If foreign cabinets cannot be baffled, Irish agitation will at all events be crushed. Popish multitudes will at all events be put to flight, the victories of faction, the verdicts of marshalled juries will be won, and amidst the acclamations of exulting orangemen from the precincts of Dublin Castle, their ensanguined banner will be unfurled.

The debate was again adjourned.

HOUSE OF LORDS,

Thursday, February 25, 1841.

MINUTES.] Petitions presented. By Lord Brougham, from Kinross, for the Release of Frost, Williams, and Jones.—By the Marquess of Normanby, and Lord Brougham, from Glasgow, for the Equalisation of the Duties on Colonial Produce.

PETTY SESSIONS.] The Earl of Devon moved the second reading of the Petty Sessions Bill. He felt confident when their Lordships should have come fully aware of the present state of the law, and the manner in which it operated upon public interests, they would agree with him that it ought to be immediately altered; and he hoped it would be considered that the present bill would effect the

necessary remedy. The propositions on which he ventured to ground his hopes that their Lordships would proceed with this bill were, that the present state of the law with regard to the trial and punishment of offenders, in which the circumstances were simple and the pecuniary value small, presented anomalies which it would be extremely desirable to have removed. The present state of the law operated most injuriously upon various prosecutors and offenders. It was his firm conviction that a bill of this kind was necessary, and hence he had brought in a similar bill the year before last, which was not persevered in; but a committee was appointed, and he would refer to the report of that committee, to show that the committee were favourable to his views, and that the present state of the law had failed to encourage prosecutions when punishment ought to follow the committal of crime. A great deal of evidence, which was highly important to the consideration of the present question, had been taken before that committee. The noble Lord read long extracts from the evidence, to show the necessity that existed for some such measure as he proposed. The noble Lord concluded with moving the second reading of the Bill.

The Marquess of *Normanby* was not aware that the bill stood for a second reading that evening. He, however, had listened to the noble Earl's explanation with great attention, and he certainly was not prepared to offer any opposition to the measure in its present stage. Further than this, he would promise to consider the provisions of the bill one by one, and to determine which of them it would be desirable to invest with the power of law. By assenting to the second reading of the bill, he was, he conceived, only admitting what was already sufficiently clear; namely, that the present condition of the law was anomalous, and that it was desirable to ascertain whether a system of summary conviction could not be adopted, and how far the obvious convenience and substantial justice of such a system could compensate for what would, no doubt, be felt by many persons to be a great evil; namely, the abrogation of trial by jury in certain cases. At present he would not say more; he assented to the principle of the bill, and would give his best assistance to render its provisions as perfect as possible.

Lord *Ellenborough* said, that from his experience in the district in which he lived, he thought it was hardly possible that the bill could be carried into effect there. It would be impossible to secure the attendance of magistrates every fortnight. Every gentleman in the district, who ought to be a magistrate, was in the commission; and yet they were very few in number. He hardly knew how his own absence was supplied when he was in town. He feared the same objection, arising out of the limited number of magistrates, would apply to many other parts of the country. He was fully aware of the inconvenience of the existing system, which the bill of his noble Friend professed to remedy. In many instances persons accused of small offences, of which probably they would be acquitted, were confined for several months before being brought to trial. This was a serious hardship on those individuals. Another evil was this, that frequently when a man was committed for trial for some petty offence, his wife and children would, the next day, apply to the board of guardians for relief. He very much desired to see a remedy applied to evils of this nature, but he feared that in many parts of the country it would be impossible to carry the present bill into execution.

The Marquess of *Salisbury* approved of the principle of the bill, but thought that some of its details might be improved in committee.

Lord *Brougham* said, that in assenting to the second reading of the bill, he wished it to be understood that he would not thereby consider himself committed to its principle. He was glad his noble Friend had brought the subject before the House, and his noble Friend deserved the greatest possible commendation for the pains which he had bestowed upon it. That the existing system was productive of great evils every one admitted, but whether the present bill provided the best mode of removing those evils, was a question which he was not then prepared to decide. He would not say a word against the bill, and only wished it not to be supposed that he had made up his mind in its favour. He hoped that his noble Friend would afford the Law Lords ample opportunity for considering the bill, and for taking the sense of the House upon its principle, if they objected to it. That might be done upon the question for

bringing up the report of the committee, or for the third reading.

The Earl of *Devon* said, that he would attend to the suggestions of his noble and learned Friend.

Bill read a second time.

CASE OF MR. SNOW HARRIS.] The Earl of *Mount Edgumbe* had intended to move for some papers, in order to give the first Lord of the Admiralty, whom he saw in his place, an opportunity of offering any explanation he might think proper respecting the case of Mr. Snow Harris, as to whom an idea was generally entertained that he had been unfairly treated by the Admiralty. Circumstances, however, had occurred, elsewhere which induced him to suppose that the attention of the Lords of the Admiralty was at present turned to the subject. If the noble Lord would state that such was the case he would rest content for the present; but if he stated the contrary, he would give notice that he would move for certain papers.

The Earl of *Minto* said, he did not precisely understand what the noble Earl's object was.

The Earl of *Mount Edgumbe* said, he wished to know whether the Lords of the Admiralty had at present under their consideration any claim of Mr. Snow Harris to remuneration on account of his invention for preventing accidents occurring to ships by lightning?

The Earl of *Minto* said, that nothing in the shape of negotiation between Mr. Harris and the Admiralty was in progress at present; but very recently—within a few days—Mr. Harris had made a claim to a large amount upon the Admiralty. The Admiralty had informed that Gentleman that they were not prepared to recommend any remuneration on such a scale as that to which he seemed to consider himself entitled. If the committee appointed on this subject adopted a plan which was more desirable than that suggested by the Gentleman alluded to, he did not say, that he might not have some ground for remuneration. There was nothing in the shape of negotiation pending at the present moment between Mr. Harris and the Admiralty. He did not mean to say, that the Admiralty was not open to consider his claims; but he could not say, that he was himself favourable to them.

The Earl of *Mount Edgumbe* understood the noble Lord to consent to entertain this claim. If his decision with regard to it did not satisfy the claims of justice, he (Lord Mount Edgumbe) should bring forward the question again. Subject at an end—House adjourned.

HOUSE OF COMMONS,

Thursday, February 25, 1841.

MINUTES.] Bill. Read a first time:—Parochial Assessments.

Petitions presented. By Mr. Corbally, from the counties of Kerry, Cavan, and Meath, Mr. Fitzpatrick, from Queen's County Mr. Redington, from Galway, Sir W. Somerville, from Louth, and Tyrone, Major Bryan, from Clare, Major Maenamara, from Clare, Colonel Rawdon, from Kerry, Tyrone, and Armagh, Mr. W. Roche, from Limerick, Dr. Stock, from Tipperary, Mr. French, from Roscommon, the O'Connor Don, from Roscommon and Galway, Mr. M. J. O'Connell, from Kerry, Lord Brabazon, from Dublin, and Kildare, Mr. O'Connell, from Longford, Clare, Antrim, Donegal, Carlow, Donn, Tyrone, Roscommon, Wexford, Wicklow, Cavan, Fermanagh, Westmeath, Galway, Cork, Derry, and Queen's County, Mr. Hume, from Cavan, King's County, and Kilkenny, Mr. Gisborne, from Londonderry, Sir R. Ferguson from Londonderry, Lord Clements, from Leitrim, Mr. Villiers Stuart, from Waterford, Mr. E. Roche, from Cork, Mr. Henry Grattan from Meath, Monaghan, Cavan, and Fermanagh, Mr. James Grattan, from Wicklow, Mr. Sheil, from Tipperary, and Mr. W. S. O'Brien, from Limerick, in favour of Lord Morpeth's Irish Registration Bill.—By Colonel Percival, from Sligo, in favour of Lord Stanley's Irish Registration Bill.—By Mr. Hodges, from Canterbury, Kent, and Merthyr Tydvil, Mr. Fielden, from Leeds, and several other places in York, Lancashire, Somerset, and Wales, Captain Pechell, from Arundel, Mr. Darby from Northiam (Sussex), Sir Francis Burdett, from North Wilts, Mr. Branstons, from Essex, and Colonel Thomas Wood, from Stratford-le-Bow, for the Amelioration of the present Poor-laws, —By Mr. Shaw, from Letter-press Printers of Dublin, for Inquiry into their conduct.

COLLISIONS AT SEA.] Viscount *San- don*, seeing his right hon. Friend the President of the Board of Trade in his place, begged to call his attention to a report which, in consequence of recent events, had become one of great public interest. He was sure that the attention of his right hon. Friend must have been called to the melancholy occurrences that of late had happened more than once, and to the great loss of life that had taken place upon the high seas, in consequence of the absence of a distinct rule in regard to steamers when they met, as to which side each should take in passing. The House was no doubt aware that rules had existed for a great length of time with regard to sailing vessels, by which collisions of this kind had been avoided. He wished to ask whether the Government had any intention of calling the attention of the House to the subject, or whether

they would bring in any measure relating to it?

Mr. *Labouchere* said, that the subject had occupied the attention of the Government with the view to some legislative interference with regard to it; but in consulting with certain individuals whose authority he considered was of great weight, he found they were strongly of opinion that it was not desirable to legislate on the subject. The Trinity House had issued regulations regarding steamers and their lights. These regulations were enforced in the case of their own vessels, and were adopted by the Admiralty and Government steamers. These rules had also been circulated, and been generally adopted in the steam trade of the country. Under these circumstances the question was, whether it were desirable to give to these rules the validity of an enactment. As he had before said, this was not considered to be advisable by those who were the best judges in the matter. He believed the rules for sailing vessels, and for carriages and vehicles on high roads, all rested on custom alone, and not on enactment. At the same time he had no doubt that any court of law would visit with severe penalties any infringement of these rules arising from carelessness or neglect. He thought it desirable that foreign steamers, especially those which entered the waters of this country, should adopt the same rules as our own, but this could be accomplished better by general consent than by any particular enactment. He could only say that, after the best consideration which he had been able to give to the subject, he did not think it advisable to introduce any bill relating thereto.

Lord *Sandon* inquired whether any communications had taken place with foreign powers on the subject?

Mr. *Labouchere* said, that no formal communications had taken place.

ARMS (IRELAND).] Mr. Sergeant *Jackson* begged to ask the noble Lord the Secretary for Ireland whether it were the intention of the Government to effect any change in the law with regard to the registration of arms in Ireland, as it was generally understood that arms had got into the hands of improper persons in various parts of that country?

Viscount *Morpeth* believed, that there were powers which might be exercised by

the magistracy to remedy that evil. The Government had received several suggestions on that subject, but they were not quite certain whether there were not sufficient power in the law as it at present stood, without calling for new enactments.

Mr. *O'Connell* wished to know whether the noble Lord meant to confirm the statement of the hon. and learned Gentleman, that arms had got into the hands of improper persons?

Mr. Sergeant *Jackson* had made the statement on the authority of magistrates.

Viscount *Morpeth* said, there were some instances in which he had reason to believe that arms had got into the hands of improper persons.

IMPORT DUTIES (WEST INDIES).] Mr. *E. Tennent* wished to ask a question of the noble Lord the Secretary of the Colonies in regard to a subject which had excited great sensation among the commercial classes. It was well known that the legislature of Jamaica had passed an act imposing an import duty of five per cent. on all goods imported into that colony. He feared that this would operate most injuriously to our commerce, and he wished to know whether the Colonial Act was likely to be confirmed by her Majesty's Government?

Lord *John Russell* said, that Government had received notice of such a measure, but they had not as yet come to any decision in regard to it.

COUNTY COURTS.] Sir *E. Sugden* said that the noble Lord (Lord *J. Russell*) had given notice of his intention to proceed to-morrow first with the Customs Duties Bill and secondly with the County Courts Bill. Now, he had not the least objection to the noble Lord's proceeding with the first bill, but with regard to the County Courts Bill, he thought that it ought not to be proceeded with until the Local Courts Bill was before the House. Should it be proposed to proceed with that bill to-morrow, he should feel it his duty to move that it be read a second time that day four months.

Lord *John Russell* said, that he meant to propose Lord *Keane's* annuity bill as the first Order of the Day to-morrow, and then to take the bill for the equalization of the duties on East-India rum. He could not speak with certainty as to the other orders being proceeded with, for

that entirely depended on whether there should be sufficient time for taking them into consideration.

Sir *E. Sugden* said he must object to porceeding with the County Courts Bill until the Local Courts Bill should be before the House. Many Members had prepared themselves under the idea that the two bills were to be discussed together, and as they both formed part of one great measure he should certainly object to proceeding with the one without the other.

Sir *Robert Peel* thought the noble Lord had misunderstood his right hon. and learned Friend. He did not press the noble Lord to fix the exact precedence in which the orders should be taken, but he merely stated his opinion that, as there were two bills on the same subject, one of which was printed and the other was not, it would be better not to proceed with the discussion of the first bill until the second should be printed, so that the Members might have the whole subject before them ere they proceeded to debate it; and he accordingly requested the noble Lord to postpone the consideration of the one bill until the other should be printed. This was a request so reasonable in itself, that he felt convinced that when the discussion came on to-morrow the noble Lord would accede to it; and he thought it would be much better the noble Lord should at once say, that he would not proceed with the bill to-morrow.

Mr. *Fox Maule* thought, that when the question came on he should be able to show the House sufficient reason for proceeding with the second reading.

Subject at an end.

PUNISHMENT OF DEATH.] Mr. *Kelly* said, that, understanding the Orders of the Day had been called on, and that the noble Lord had chosen which of the Orders of the Day should have the priority, he (Mr. Kelly) would take the liberty of stating that it had been certainly his intention, in case the Order of the Day for the second reading of the bill for the Abolition of the Punishment of Death had been called on, to have moved the second reading of that bill, in the hope that it would suit the convenience of the House, and to allow that bill to be read a second time *pro forma*. He wished to ask if the noble Lord the Secretary for the Colonies had a right to fix which of the Orders of the Day should be proceeded with.

The *Speaker* said, that according to the rules of the House, the Orders of the Day for Wednesday were proceeded with in the regular order in which they stood: that on Mondays and Fridays the Government Orders had precedence, and that there was no precise rule for Thursdays.

Lord *John Russell* said, that he could not allow the second reading of the bill of which the hon. Member had made mention, to pass without making opposition to it. If, however, the second reading were carried he would give no opposition to it in its next stage.

PARLIAMENTARY VOTERS (IRELAND).
— ADJOURNED DEBATE — (FOURTH DAY).] The Order of the Day having been read,

Mr. *Milnes Gaskell* said, that after the length to which the debate on this bill had already been protracted, and after the amount of local and of legal information which had been brought to bear upon its details, it would be most unpardonable in him, who was comparatively but little conversant with the subject, to trespass at any length upon the attention of the House. But there was a question which he heard constantly asked out of doors, and which it was fitting should be asked in that House till it obtained a distinct and definite answer from those to whom it was addressed; viz., how it happened that her Majesty's Ministers—how it happened that the very men who had procured the assent of Parliament to the Reform Bill, on the distinct understanding that the Reform Bill was to be a final measure, should be the very men to come down to that House with a proposition for remodeling the entire constituency of Ireland? how it happened that the right hon. Gentleman, the Secretary at War, who had told them in 1831, that the Reform Bill was to be a final settlement, till large towns sprang up in the wilds of Galway, should tell them in 1841, that a measure for reducing the Irish qualification by one-half, was a matter so unimportant, that it was only fit to be considered as a question of detail. If they had been told, during the course of the last Session of Parliament, that at the commencement of the present Session her Majesty's Ministers would come down with such a proposition, and that not content with refusing to acquiesce in the principle of a bill for the removal of acknowledged abuses, they

would seek to embroil that question by the introduction of another bill which they knew they had no power to carry; his (Mr. Gaskell's) belief was, that such an intimation would have found but few Members of that House to credit it. He was confirmed in this impression, when he called to mind that her Majesty's Government had not only opposed a motion of the hon. and learned Member for Dublin for an alteration in the franchise, but that they had resisted a proposition far less objectionable and far less unreasonable than that now before the House; namely, a motion of the hon. Member for Bridport (Mr. Warburton) for reporting progress in committee upon the bill of the noble Lord, the Member for North Lancashire, with a view to the introduction of a clause for the mere definition of the existing qualification in Ireland. The right hon. and learned Gentleman, the Vice President of the Board of Trade, who had concluded the debate last night, had made, as he invariably did on these occasions, a very eloquent and a very discursive speech; but though he (Mr. Gaskell) had listened with great delight to the right hon. and learned Gentleman, he was bound to say, that he had heard no answer to the charges which had been preferred against her Majesty's Ministers by the right hon. Baronet, the Member for Pembroke. That right hon. Baronet had alleged distinct and specific charges against the Government. He had charged them with misapplying the patronage of the Crown. He had charged them with giving direct encouragement to the cause of discord and agitation. He had charged them with conferring posts of honour and emolument upon the disturbers of the public peace. What was the answer to those charges, and who had been selected to repel them? A right hon. and learned Gentleman, who himself a Minister of the Crown, had voted in his place in Parliament for the dismemberment of the Empire. And how had he repelled them? Had he attempted to deny their truth? No—but he had sought to fasten charges of inconsistency upon two Members of that House—charges that might have had some meaning as evincing soreness at the loss of their services on the other side, but which, if intended as a vindication of the Government, meant absolutely nothing; and he must be permitted to tell the right hon. and learned

Gentleman, with all respect for his abilities, and with a just appreciation of his great powers in that House, that the mere fact of his rising across the way as a Minister of the Crown, after the opinions he had advocated, and the course he had pursued in public life, constituted in itself a sufficient justification for the noble Lord (Lord Stanley), and the right hon. Baronet (Sir J. Graham), in having left the party with which he (Mr. Sheil) was now connected. The right hon. and learned Gentleman had concluded his speech with a protestation of his loyalty to the Throne, coupled with a significant, and in his (Mr. Gaskell's) opinion, not a very loyal intimation, that while France was arming, the demands of Ireland, however unreasonable, must be conceded. The right hon. and learned Gentleman had descanted at great length on the benefits of concession, but he had not told them what had been the effect of the concessions which had been made during the last few years at the instance of his friends around him. He had not told them how the assurances of content and gratitude which had been made by himself and others in 1829 had been kept and realised. He had not ventured to remind them

How soon

Height will recal high thoughts—how soon
unsay

What feigned submission swore—how ease re-
cant

Vows made in pain, as violent as void.

But he (Mr. Gaskell) rejoiced that the right hon. and learned Gentleman, and the Member for Edinburgh, had spoken out. He rejoiced that under the pressure of their Parliamentary supporters, her Majesty's Ministers had been compelled to abandon their declarations of finality, and to unfurl the standard of democratic change. It enabled them to fight the battle of the constitution upon plain and intelligible grounds—it called on Parliament to pronounce aye or no whether they would consent to tamper with the Reform Act, and at the expiration of ten years to reopen the whole question of Parliamentary Reform. It was also of no small value on another account. It drew a line of demarcation plainly and distinctly between the present Government and the Government of Lord Grey, and if any Gentleman had hitherto been under the delusion, that her Majesty's Government as at present constituted inherited

the opinions or the principles of the Government of Lord Grey, that delusion would have been effectually dispelled by the introduction of the bill that was now lying upon their Table. He was glad they had an opportunity of testing the sincerity of those declarations of finality of which they had heard so much, and of ascertaining whether there were any Gentlemen in that House who had been parties to such declarations, and had heretofore given a doubtful and unwilling support to her Majesty's Government, who would be found prepared to vote for the second reading of this bill. It was said, indeed, by the hon. Baronet, the Member for Drogheda (Sir W. Somerville), that although no such measure had been in contemplation at the time of the passing of the Reform Act, it had since become indispensable from the diminution which had taken place in the numbers of the constituency in Ireland. He (Mr. Gaskell) admitted, that circumstances had changed since then, but he had a strong impression that it was not so much a reduction in the amount of Irish constituencies, as in the amount of Ministerial majorities in that House which formed the history of this bill. What it might be quite safe to refuse to the demands of unscrupulous adherents, when you had a majority of three hundred, it became very dangerous to withhold when you had only a majority of three. But he owned he greatly doubted whether a majority of that House would be found prepared to advance one step with her Majesty's Government on this occasion. He greatly doubted whether, even in this early stage of the bill, a majority of the House of Commons would be found to run counter to the wishes and expectations of the people. Did any man doubt what those wishes and expectations were? Let him look at the late elections—let him look at the returns for Canterbury and Walsall, for Monmouthshire and Surrey—and, making every allowance for the equivocal victories which had been achieved by her Majesty's Ministers at Richmond and St. Albans, a sufficient balance of reverses would be left to show that the tide of public opinion had set in strongly both against them and against their measures. The noble Lord the Member for North Lancashire had been taunted during the progress of these debates because he had confined the operation of his bill to Ireland, and had not

chosen to grapple with the question of registration in this country. But surely it might be asked, with at least equal justice, of her Majesty's Ministers, why it was that they had not grappled with the question of an extension of the suffrage in this country as well as in Ireland. The reason, indeed, was sufficiently obvious; it was because they knew that the people of England would repudiate and disown it, and that Ireland was the only quarter of the empire in which the policy of innovation could hope to prosper. He (Mr. Gaskell) had heard charges of injustice and of tyranny preferred against all those who presumed to differ from the Gentlemen opposite upon questions of Irish policy. He had seen letters in the public newspapers addressed to a person of the name of Ray, in which Members of that House were designated as fools and miscreants for the opposition which they offered to the bill of his noble Friend (Lord Morpeth). He confessed that he viewed the use of this language with which the hon. and learned Member for Dublin was so familiar, and the application of these epithets without the slightest feeling of uneasiness or regret. They convinced him that the great party with whom he acted were rightly discharging their public duty, and that they were found an inconvenient obstacle in the way of those projects of aggrandisement and repeal to which her Majesty's Ministers were enabled to offer but a very tame resistance. But so far was he (Mr. Gaskell) from acknowledging the justice of the imputations which had been cast upon the motives and conduct of those with whom he acted that he utterly denied their truth. He would tell the hon. and learned Gentleman that they, (the Opposition) had every disposition to preserve and to maintain inviolate the settlements of 1829 and 1832. For himself he had been an anxious well-wisher to the cause of Roman Catholic Emancipation before he had the honour of a seat in that House, and before the Catholic Relief Bill had been carried by the right hon. Baronet the Member for Tamworth. It was perfectly true that in common with many others he regretted the course which had been pursued by a certain party in Ireland since the passing of that act, but they did not confound the great body of the Roman Catholics either in this country or in Ireland, with their prominent

and self-elected champion in that House. If they did, they might feel disposed to retrace every step in the way of concession which the legislature had taken, and enact measures that would invite from the learned Member for Dublin a renewal of the epithets which he had lavished on the coercion bill. He, (Mr. Gaskell) was ready to avow at once that in the present state of Ireland and in the present condition of parties in this country, he was not prepared to support any measure which would strengthen the cause of agitation in one country or increase the influence of democracy in the other—and it was because he believed that this bill tended directly to effect those objects—because he saw in its main provisions another and a fatal step in the course of blind and unreasoning concession to popular demands, a complete departure from the spirit of the Reform Act, and a vain and fruitless attempt to conciliate the enemies of connection between the two countries, that he gave his hearty opposition to the motion that it be now read a second time.

Mr. *Villiers Stuart* said, if any answer was necessary to the charge of the hon. Gentleman who had just sat down, of undue influence having been exercised, he might refer to the speech of the right hon. Baronet of last night for an answer to that charge. From the best attention he was able to give to the arguments of the hon. Members opposite they seemed to him to ground their opposition to the bill on the plea that it was a subversion of the great principles of the Reform Bill. They appeared to think that the principle of that measure was the establishment of a franchise based upon a certain amount of property. Now, it appeared to him that they took too narrow a view of that measure, and that they were turning details into principles. His view of the Reform Act was, that it was passed for the purpose of remedying great evils that then existed in the constituency of Ireland—that it was necessary to enlarge that constituency, and the great principle embodied in the measure, was that a certain proportion of population and property should be brought to bear on the elections for Members of Parliament. That he took to be the real principle; but as to the regulation of the amount of the property, that he considered merely a detail. With that view he should en-

deavour to show that the details then established had not answered the purpose, and that it was necessary that a new plan should be substituted. He should endeavour to show the noble Lord the Member for North Lancashire that the plan which he proposed for the registration of 10*l.* freeholders could not be efficiently carried into effect. He understood that the noble Lord agreed with the judges that the solvent tenant test was the one to be applied. Now let them suppose a case of a farm of thirty acres let by a good landlord, who, however, wished to get the value of his property; such a farm would let for 30*l.* a-year, or 1*l.* per acre. Suppose the tenant had it on a lease of fourteen years—he went to the Registration Court, where he would in all probability be placed on the register as the solvent tenant test could not be applied, but on an appeal being made to the judge, who would apply the solvent tenant test, he could not see how such a name could be retained on the register, for no man could swear that he could give him 10*l.* a-year beyond the rent, after paying for all his outgoings, without deducting from his own fair profits. But it might be said that the ambition of landlords would induce them so to act as to keep up the constituency, but how was that to be effected? Suppose an estate of 10,000 acres, divided into 300 farms, and let at 1*l.* an acre. Now, if the landlord of such an estate was actuated by ambition and a wish to see his tenants upon the register, he could only gratify that ambition by lowering their rents 10*l.* a year on each farm, at a loss of upwards of 3,000*l.* a year. He could not imagine how the constituency could exist at all with the solvent tenant test. But the noble Lord had said that was the test he had intended under the Reform Bill, and that his present bill was intended to carry the Reform Act into effect. The bill of the noble Secretary for Ireland was, however, the best remedy for the evils of which they all so loudly complained. He was no lover of unnecessary change, more especially in such a bill as the Reform Bill. But if it was found that the object of that bill, which was the extension of the franchise, had not been carried into effect, he thought it was no improper change to bring in a bill for the purpose of carrying out the intentions of its friends. The bill of the noble Secretary for Ireland removed

the greatest evils which now existed, namely, fraud and personification, and it gave a fair test of the value of any claim that was laid to the franchise. There was one evil however, which it did not remove; that was the present objection to give leases to the tenants, but that was an objection which he thought could be well considered in committee. There was one other reason why they ought to consider the bill in committee. It was well known that there was a great demand, and much competition for land in Ireland. It was equally well known that there were very many needy landlords—and therefore the latter were anxious not to give leases, in order to make the most they could by the competition. That, however, might be remedied in committee. The committee might strike out such a sum as might obviate the difficulty, for he was not confined to the 5*l.* clause—nor did it bind them; therefore he was induced to hope that some even of the Gentlemen opposite would give their support to the second reading of the measure.

Colonel *Conolly* said, that on rising to resist to the uttermost the bill now before the House, which professed to be a bill to define the franchise, and to amend the registration system in Ireland, but which embraced many furtive objects, he must take the liberty of making a very few observations. He objected to the irreconcilable nature of the measure of the Government with the name given to the bill, which, under the pretence of defining the franchise, annihilated the qualification, and that too in a manner to inflict upon Ireland evils of the most enormous magnitude. He had long been apprehensive of the consequences upon the Government of the recent proceedings in Ireland, and he was sorry to find, that his worst fears had been realized, and to see the noble Lord opposite, who had long and ably contended against the storm, so borne down, as not to be able to hold his ground further, and obliged to yield to his too powerful master. Entertaining the greatest respect for the noble Lord personally, he regretted to see him in his present position. He regretted it on the noble Lord's account, both as a man, and as a Member of Parliament. He could not imagine a human being subjected to a more degrading tyranny than that under which the noble Lord was placed. He

said so with pain, but he said so conscientiously, and he should never hesitate to express what he felt, either in that House, or in any other place. The whole policy of the Government relative to Ireland had been so wretchedly ambiguous, that it was impossible to know whether they were or not hostile to repeal. The newspapers had, day after day, been asking what were their intentions as to the repeal agitation; but no one seemed to be aware what they proposed to do. The bill now before the House, however, answered all the inquiries which had been made upon the subject; for this measure of the Government would inevitably give strength to the repeal party, and the repeal leaders, by creating a constituency of the very worst description—a constituency without any qualification. On that point he would appeal to the hon. and learned Member for Dublin himself, and he would ask him whether the franchise proposed was not, in fact, and strictly speaking, no qualification at all? He objected also to this bill, because it would perpetuate the empire of the hon. and learned Gentleman, the Member for Dublin, and increase and render permanent that system of agitation under which the country had already suffered so much. He objected to this bill, because if it passed, it would render a civil war, or a repeal of the union inevitable. He would appeal to the noble Lord, the Secretary for Ireland, and he would ask him whether there could be a doubt that this measure of the Government would fortify the position of the hon. and learned Gentleman, the Member for Dublin, and greatly increase his power! So convinced was he that such would be the effect of this bill, that if the forms of the House would permit him, he would deal with it as the bill of the hon. and learned Gentleman, and not as the bill of the Government. The proceedings of the Government had, day by day, brought more strongly the despotism of the hon. and learned Gentleman on their backs, and now, after pretending to denounce repeal, they were doing all that was in their power to increase the influence of their master, to fortify his position, and to add strength to the agitation for the abolition of the union. Could the country, under such circumstances, remain longer under delusion as to the intentions of the Government, or as to the influence to which they

were subjected? The hon. and learned Gentleman, the Member for Dublin, knew well that he had often derided and laughed at the Government, and it was impossible for any reasonable man to suppose that his present agitation was anything else than an empty stratagem to fill his own pockets. The Government, however, had rewarded those who had been foremost in the agitation which had been going on in Ireland; and when this bill should have been read a second time, there would be another piece of preferment to be disposed of. [*Viscount Morpeth*—It has been disposed of already.] He said that hon. Members on his side of the House had been charged with wishing to curtail the constituency; but he would deny that such was the case, or that in voting for the bill of the noble Lord, the Member for North Lancashire, the Conservative party had been influenced by a desire to restrict the number of the electors, or to disfranchise those who were duly qualified. Their object was the reverse. They saw perjury striding over the land, and they wished to provide a remedy for that monstrous evil, and not to restrict the franchise. If the Government were really adverse to the system of false swearing, which all allowed to exist, and if they thought that the measure they had brought forward would put an end to it, why, he would ask, had no bill for the attainment of that object been brought forward during the last five years—why had it been so long delayed, and would such a bill have been on the Table now but for the goading of those whom they called “Tories?” He agreed with the right hon. Baronet the Member for Pembroke, who had said last night, that this 5*l.* franchise clause was only a repetition of the scheme of the appropriation clause. It could not pass. It was a mere advance towards universal suffrage, but its main object was to prevent the legislation on this important subject of the noble Lord the Member for North Lancashire. There was no necessity for such a measure, and he would deny, in the name of Ulster, that the voice of Ireland had been raised in hostility to the bill of the noble Lord near him. The agitation upon the subject was simply another stratagem to fill the pockets of the hon. and learned Gentleman the Member for Dublin, and the cry which had been raised against the bill of his noble Friend had only been deemed ne-

cessary in order to get up fresh excitement amongst the people. The objects of the hon. and learned Gentleman opposite were to rob his country and impose upon the people; and the Irish landlords would never consent to give leases when their tenants at the will of strangers were to be paraded against themselves. He knew he should be charged with illiberality for saying so, but he would never conceal his sentiments, and he thanked God he was not yet got within the dominions of the great potentate. In that part of Ireland with which he was connected the people were still in peace, and the best feelings prevailed betwixt landlords and tenants, and he could assure the hon. and learned Gentleman that if he came to his part of the country, he would meet with a similar reception to that which he had received at Belfast. Nothing had tended more to increase the Conservative feeling in Ulster than the knowledge that the hon. and learned Gentleman came with his agents to dictate his will to the free and enlightened population. The landlords, the gentlemen, and the people of that great province at once determined that they would have no sovereign but the Queen of England, and that they would not place themselves under the influence of strangers and agitators. It was a gross misrepresentation to say that the tenants of Ireland complained of the want of leases. Where there was no agitation, and where the people were at peace, leases were not asked for, and it was only in those districts where turbulence and agitation prevailed, and where the tenants were alienated from their landlords, who were their best friends, that complaints of this kind were to be heard. A more monstrous imposition had never been practised than that of strangers going as they did in Ireland amongst a peaceful people, deluding and drawing them by promises of visionary good, and thus alienating the affections of the tenants from those whose interests it was to see them happy and prosperous. The Irish landlords had been reviled and calumniated, the magistrates had been vilified, and not a few of them had been taught a moral lesson from the castle; but though they had had to encounter agitation and rebuke, they had ever asserted their own right, and in the end the result would be that they would enable

the Whig Government to remove itself from its dependence on Irish representation based on Radicalism. They would he hoped, still be able to restore their country to prosperity and happiness. He was sorry, he said, that so many hon. Gentlemen opposite were so impatient to address the House, for he must tell them that it was necessary for him to occupy the attention of the House some time longer. He had been for a long period living on terms of intimacy with the middle and lower orders of the Irish people, and he could safely say that no man was more conversant with their feelings and sentiments than their humble servant. He had always said that the 40s. constituency had been productive of serious injury to Ireland, and that that constituency, joined with agitation, had been the main causes of all the evils with which the country had been afflicted. He had said so over and over again; and the predecessor of the right hon. Gentleman in the chair (Lord Dunfermline) had told him that Lord Chancellor Ponsonby's views were exactly in accordance with his own. Now, if this 5*l.* rating were made the base of the franchise, he could tell them from a long experience that the freeholders under it would not have bread to enable them to go to the county town or to the hustings. He said so distinctly and with a firm conviction of its truth; for he was intimately acquainted with the condition of the people, and had expended not less than 10,000*l.* in his efforts to enlarge their holdings. They had been told that it was the intention of the Conservative party to abrogate the Catholic Relief Bill. He denied that charge; but might he ask whether the Government were now to release themselves from the obligation which had induced many hon. Members to vote for that measure—a measure which, as it was now passed, he would not repine at? Were the Roman Catholics to have all the benefits of that measure, and to observe none of the conditions on which it was granted? Both on that measure and on the measure which immediately followed it, he meant the Irish Reform Bill, there had been a *plus quam Punica fides* in the conduct of her Majesty's present Government. He objected to the present bill, because it would give strength to the agitator's party; because it would degrade the future constituencies of Ireland; be-

cause it was opposed to his own experience, which taught him, that Ireland had been undergoing a moral regeneration ever since its elevation to a 10*l.* franchise. If hon. Gentlemen wished to induce the landlords of that country either not to give leases at all or to give leases of the least possible tenure—if they wished to aggravate all the evils and miseries of Ireland, moral, social, and political, or if they wished landlords to devastate and depopulate their estates, they would enact this bill. It was a piece of legislation which had emanated from the hon. and learned Member for Dublin; and the object which he had in view, in proposing and supporting it, was to drive first, all that was loyal and constitutional in Ireland, and, afterwards, everything else before him, at his sole will and pleasure. It would enable him to establish his Parliament in Collegegreen, Dublin, and to put down all opposition to the autocracy, which he wished to establish in his own person, over his deluded countrymen. His empire was already ample enough in Ireland, and he (Colonel Conolly) really thought that his stock in the trade of agitation would not be so good as it was at present, if he were to succeed, as this bill would enable him to do, in destroying what he called Orange ascendancy in that country.

Mr. Howard (Cumberland) was happy to hear from the lips of hon. Gentlemen opposite, an observation which he feared had been very much forgotten of late—he alluded to the memorable lesson of Mr. Drummond, that property had its duties as well as its rights. In addressing the House upon the present occasion, and for the first time, he did not enter into any matters of detail, but, as an English Member, he wished to state very shortly, but very strongly, the satisfaction he felt at the proposal of the noble Lord near him, and his belief, notwithstanding the assertion of the hon. Member who had first addressed the House that evening, that his noble Friend's bill was popular in the country. During the last Session, when the abuses of the present system were exposed, when the lies and the frauds were brought to view, the measure of the noble Lord opposite, met with a temporary popularity; but now, when the details of that bill were better understood, and when it was known that although the frauds might be remedied, the independent voter would have to undergo great

difficulties and to incur great expense, and that while these difficulties were presented, the franchise itself was left undefined, he believed that the noble Lord's measure had lost much of that apparent popularity which it had once enjoyed. Now, it was notorious that in Ireland great difference of opinion existed as to the definition of the franchise, and that these differences were not confined to the voters themselves, but extended to the judges on the bench; and he said that whilst they found these differences, the noble Lord opposite ought to have met the evil, and ought not to have left the matter in that uncertainty, which was the fruitful source of all the evil. He believed that the measure of the noble Lord the Secretary for Ireland would fully and fairly meet this difficulty, and that the valuation of property under the Poor-law Act would remove all necessity for litigation, and would take away every inducement for lying and fraud, and he thought that this benefit should have induced hon. Gentlemen opposite to have consented to the second reading of the bill, leaving any difference as to the amount of the valuation to be settled in committee. Such had been the course which those hon. Gentlemen had adopted with respect to the Municipal Bill, and he was at a loss to conceive what had induced them to alter their course of proceeding now. But since those hon. Gentlemen said that the definition clause was so great an obstacle, he was glad to have that opportunity of saying how much he approved of it. In determining the franchise for Ireland, all the circumstances of that country ought to be taken into consideration. There were not in Ireland those minute subdivisions of society which were met with in England. In the agricultural parts there were but two classes—the landlords and the cultivators of the soil. These classes were unfortunately opposed to each other on many important points—they were frequently opposed as well in politics as in religion. He would not enter into the history of the cause, but as the opposition undoubtedly existed, he did think that, if representation were to exist at all, it was desirable that they should have the lower as well as the higher class represented. He considered the very statistics quoted by the noble Lord opposite, and the admission made by hon. Members that there was a disin-

clination on the part of landlords to grant leases, as evidence that some alteration in the franchise was necessary. He knew it was said by hon. Gentlemen opposite, that the voters created by this bill would prove dependent creatures [*Colonel Conolly*, hear.] The gallant Gentleman cheered, yet that cheer would have come with more force from that (the Ministerial) side of the House, for he did not believe that hon. Gentlemen opposite would very much object to dependent creatures for voters. Still, even if they were dependent, it would at least save the landlords the pain they must feel in expelling the poor tenants from their homes and their holdings on account of their votes. He would not stop to inquire whether the 40s. franchise in England would give a larger constituency than that to be obtained by the proposed bill in Ireland, because he could not consider it a wise course to consider what would be fit for the State of England when they had to legislate for Ireland. It would be like dashing from the lips of a fainting man the cup that would bring nourishment to him, because it might be too strong for his neighbour. He had been glad to hear the sentiments which had fallen from the hon. Member for Cavan, and other hon. Members opposite, in favour of a change in the registration, for it showed that even with them there was a time when finality should cease. But is there no danger in delay? When, in addition to the Members from the North, the Protestant proprietors of the South have returned their Members to this House, will it be easy to retrace the steps they have taken? Is it not more probable that they will introduce in England what they have already established in Ireland? Such are the dangers from within the House—but greater are to be apprehended from without. When the representatives of Ireland, no longer possessing seats in that House, should retire from that assembly, other assemblies should be held on the other side of the water; on them the attention of the people would be fixed. It would be presumptuous to anticipate the event of their proceedings; but be it conquest, or be it concession, it would be an event that would entail great evils on this country. Wishing to avert those evils, and thinking that the measure of the noble Lord was full, fair, and efficient, he would give it his hearty support,

Mr. *Lascelles* was anxious to state, that, agreeing in the necessity of defining the franchise in Ireland, feeling that there was a doubt, the evil of which went farther than the mere doubt itself, feeling also, that there must be a new definition of the right to vote, wishing to lean towards the extension of the franchise, not disagreeing to the propriety of taking the poor-law rating as a test, yet, that whilst agreeing in those things which might be thought the principle of the bill, he was anxious to state why he could not support the second reading. The principle of a bill was often to be learnt from the details, and he could not agree in a franchise fixed at the amount of 5*l.*, which he had not heard defended, and which many of the supporters of the bill itself were prepared to vote against. Was it not most improper, in the present state of their information, to fling out a hope of a franchise to which they did not mean to adhere? All the propositions for the alteration of the Reform Bill depended for their principle and their merits entirely upon the amount of the franchise. Hon. Members, therefore, would see that the 5*l.* proposal was the essential question. With respect to Ireland, he thought that the solvent tenant test would give too great a restriction of the franchise; but if they took the rating so low as 5*l.*, they would, in his opinion, be going too far. He had hoped that, after the end of the last Session, they had got rid of these party discussions in the House, still he did not think that blame could be cast on his noble Friend for coming down to the House and proposing the very measure which had been introduced in former years by Government itself, although that measure had been since rejected by Ministers, who had no specific plan of their own. If there were evils in the present system in Ireland, and he admitted that there were, let there be a remedy applied, but he could not consent to that remedy being a low franchise, such as was proposed by the noble Lord's bill.

Mr. *Gisborne* said, that many of the speeches which had been delivered in the course of that debate had taken a much too high view of the difference that existed between the two sides of the House, because those differences, however important they were in themselves, were still within a very narrow compass. In the first place, under the Irish system of registration,

evils existed which impressed the mind with sorrow—under it there were personations and fraud, which were necessarily supported by perjury, and to these evils the bill of the noble Viscount (Viscount Morpeth) applied a remedy. He had not heard any one say that this remedy would not be effectual. The course taken by the noble Lord who introduced the other bill was this. He said, "I do not deny that your remedy will be effectual, but I complain that you have taken my plan, which you rejected when I introduced it to the House." The measures, however, did not agree, because the measure of the noble Viscount was not a measure taken from the bill of the noble Lord. Now another serious evil which existed in the Irish system was the uncertainty of the franchise. Some hon. Gentlemen said, that there was no legal uncertainty; but would any one deny that in one county, and under one judge, a man might be admitted to the franchise, who, under exactly similar circumstances in another county and with another judge, would be rejected? There did here arise a real and essential difference between the two sides of the House. The hon. Gentleman opposite said, that the minority of the judges ought to agree with the majority. The noble Lord said so last year, when the judges were abused as much as they had been this year for not agreeing, but what progress had been since made? All the progress that he had heard of was, that two other judges had joined the dissenters. Hon. Gentlemen might tell him to wait till the judges had agreed, but they had no means of compelling agreement. Yet the noble Lord said, that he would bring in a bill to remedy the abuses of the registration, and would not apply any remedy to the evil of the uncertain franchise. If, therefore, there were no other character distinguishing these bills, they would be enabled to stamp one as a good bill and the other as bad. He came then to the second material difference between the two sides of the House, whether the mode proposed by the noble Lord for the remedy of the evil was good? It had the excellence of great simplicity, yet the question to be decided was, whether, upon the whole, it was so bad that it ought to be rejected. A very large body of the Members of that House was of opinion, that impartial conduct on the part of the electors was to be produced by

their impartial representation: he confessed, that he was one of those, and he hailed the bill of the noble Viscount, the Secretary for Ireland, as being likely to produce the most advantageous results. The beneficial interest test, as it was called, he thought was abominable, on account of its vagueness, and of the opportunities which it afforded for the commission of perjury; but the solvent tenant test, putting aside the question of the amount of the franchise, might be as good a test as could be found for the regulation of the franchise. Great stress had been laid upon the finality of the provisions of the Reform Act, but he thought that the argument which had been raised upon that point must now fall to the ground. The noble Lord the Member for North Lancashire, and the right hon. Baronet the Member for Pembroke, had admitted that if the necessity for altering the franchise upon the grounds suggested were shown, they would agree to the adoption of some measure having such an effect, and this, therefore, was a distinct admission on their part of the possibility of some new franchise being adopted. For his own part, he must say that he felt obliged to the noble Lord the Member for North Lancashire for the course which he had taken. He felt that his violence had been the redemption of the cause of Ireland. The noble Lord had done the Ministerial party a service in introducing his bill; it enabled them to meet in this House and out of doors upon a question of the highest importance; and he desired hon. Gentlemen opposite to take this warning, though he knew they would be disinclined to do so, that if they turned the Government out upon this bill, and if they should come in upon it, their duration of power would be short.

Sir Robert Peel: You mean the other bill?

Mr. Gisborne had already arrived within a few words of the conclusion of his observations, when the right hon. Baronet interrupted him; he felt that that interruption rendered it necessary for him to complete the sentence he had begun.

Mr. Cholmondely would throw himself upon the indulgence of the House while he offered a few words in opposition to the bill of the noble Viscount the Secretary for Ireland. His opposition to the bill was grounded principally upon the fact, that under the pretence of its being a

measure to amend the system of the registration of voters in Ireland, an attempt was made to procure, by some collateral means, some slight addition to the popular franchise there. He agreed that the noble Lord the Member for Lancashire had applied a much more fit name to the bill than that which it bore, when he designated it "a new Reform Bill for Ireland." He asked whether in truth the bill was likely to be pleasing in Ireland, or whether it was not more probable that it would raise up there a harvest of woe such as she had never known? It was lamentable that the people of Ireland should be divided from the landholders in opinions and interests; but he saw no hope that this bill would produce such an improved state of peace as was most desirable. He was sorry that persons in the character and fulfilling the functions of Roman Catholic priests should interfere in political struggles; but it was notorious that they did interfere, and that their authority had great weight with the people with whom it was exercised. He regretted that a system of intimidation such as that which was carried on should exist, and more especially that intimidation should be exercised towards labourers, with regard to their accepting employment under obnoxious masters. But did not the House think that it was likely that in a country like Ireland, rife with political agitation, the intimidation and the influence which were now employed would be practised to a still greater extent if the number of voters were increased? He believed, that if this bill was likely to come into operation, it would create a class of men as voters who, under no circumstances, would be able to exercise their own unbiassed judgment as to the vote which they gave; and that it would go far towards overthrowing the rights of the more enlightened portion of the constituency. He thought that the true principle on which they should act was not to lower the qualification to the standard of the voter, but rather by an attempted improvement of the social condition of Ireland to raise the voter to the standard of the qualification. It had been urged that the refusal of the House to accede to the bill of the noble Lord opposite would give them just cause to fear the consequences of such an act. He could not understand how fear could influence the British House of Commons in their performance of what they might deem to

be their duty. It had been said that the present position of our affairs, with regard to our foreign relations, should induce the House to assume a conciliatory tone towards Ireland, for that in some events the country might require her aid, which otherwise would be withheld from us. They were told that Ireland was our weakest point, and that it had been so for many years; but although hon. Gentlemen opposite might represent a great portion of that country, it was to be remembered that they did not, at all events, represent the whole of it, and that there was much of its wealth and respectability on that side of the House on which he had the honour to sit. The petition which had been presented the other night by the noble Lord (Lord Stanley), signed by 86,000 individuals, was a triumphant corroboration of his statement. But was it fair for the House to say that they should consent to what was proposed for the purpose of conciliating the people of Ireland? He told hon. Gentlemen who advocated this measure, that it was one which was little likely to dispose the House to adopt a course of conciliation. The bill would be of great importance—it would be either a blessing or a curse; if a blessing, it would heal the wounds of Ireland; if a curse, it would inflame them. He believed, that it would add fuel to the fire which already raged in her bosom, and he trusted, that the House would calmly and dispassionately view the whole question; but that, least of all, they would not allow that stigma to apply to them, that they granted to their fears what their reason refused. Before he sat down, he could not avoid again pressing upon the Government the necessity of answering that question which had been already propounded to them, whether they should be prepared to carry out the same measure with regard to England and Scotland, as they now proposed with reference to Ireland. The noble Viscount opposite had said, that this was not the time for discussing that point; but he must point out to the House, that if the principle were adopted in reference to this bill, it would be too late hereafter to say, that it should undergo discussion with respect to its further application.

Mr. Morgan J. O'Connell after the great length to which this debate had already been carried, he did not feel it to be his duty to go far into the details of the mea-

sure now before the House. Many of the details had been touched upon by some hon. Gentlemen, and he could not but think, that it would have been better if they had reserved their observations until the bill had gone into committee. He wished to take this opportunity of expressing the reasons which governed his conduct in supporting the measure of the noble Viscount, and he should endeavour to confine himself to the subject matter of that which was for their consideration. It appeared to him, that the great value of the bill of the noble Viscount, as distinguished from that of the noble Lord opposite, consisted in two points; the registration on one side, and the franchise on the other. Upon the first point, the great merit of the bill of the noble Viscount consisted in the facilities which it afforded to a voter to prove his title and to obtain his right, and the facilities also which it gave of retaining that right, when it was once established. The bill of the noble Lord opposite, however, presented obstacles in the way of the just and honest claimant, and left him almost entirely at the mercy of vexatious objections. On this point alone, the bill of the noble Viscount was not merely entitled to preference, but to the support of every Member who wished to see the registration of voters placed on a satisfactory and firm footing. But the main question which the House had to decide was, that of the definition and the new arrangement of the franchise in Ireland. He did not think, that hon. Members had a right to complain of the mixing together of the two questions of the franchise and of registration, for it stood admitted, that the bulk of the evils complained of in Ireland had arisen from the uncertainty and doubt as to the proper definition of the elective franchise under the Reform Act. This was a part of the question, by the way upon which the noble author of the Reform Act—for in that light he might look upon the noble Lord opposite—had not thrown any great light, for he (Mr. M. J. O'Connell) had never heard him in any of his speeches tell the House what he meant the franchise to be under the terms of that statute. Whatever were the provisions of the bill of the noble Lord opposite, as to the minor evils of an imperfect registration, such as the continuance of the names of deceased voters on the register; the ambiguity of the franchise, whatever test

might be adopted, whether that of Sir Michael O'Loughlen, or that which the hon. and learned Member for Bandon might wish to be taken—the solvent tenant test would in either case exist, and it would be found, that the same uncertainty of determination, affecting as well the interests as the opinion of contending parties, would still exist. It was some satisfaction for him to know, that at least one hon. Gentleman opposite agreed in some of the principles of this bill, but he regretted to find, that the hon. Member for Wakefield (Mr. Lascelles), though he did not always think with his party, still maintained his usual course of voting with them. Sorry was he to see, that he had gone from such good premises as he had made, to so unjust a conclusion. He thought, that the House would decide, that the test which should be adopted should have the effect of extending rather than narrowing the franchise, and he thought, that that which was proposed was the best calculated to meet the object which they had in view. First, it was of a nature regular and determined, which would give a liberal and extended franchise; but still more than that, it was valuable because it was simple and intelligible, and because there could be no possibility of a mistake upon it. A great deal had been said about the low rate at which it had been proposed to fix the franchise. He begged leave to remind hon. Gentlemen who had made that objection, however, that if they looked to those tables which were given in the returns which had been laid before the House, they would find, that even this rating would exclude a great number of those from the constituency of Ireland, who were already upon the register. He knew it might be said, that they were not entitled to continue on the register as ten-pound voters, if they did not even possess a *5*l.** qualification; but the test of the property of the tenant had generally been taken in Ireland, and although he would not go into the reasons for this being so, the fact was as he had stated, and had been shown to be so, by Mr. Leslie Foster, in the year 1829, for although his opinion was of a contrary tendency, his arguments were so correct, that he would not attempt to draw a conclusion inconsistent with the truth. He would not himself offer any further observations to the House upon this point; but he would refer the

noble Lord opposite to the opinion of a man whom he could not very well oppose, he meant Mr. Solicitor-general Cramp-ton, who, on the 18th June, 1832, in reply to some observations of the hon. and learned Member for Dublin, made use of the following expression:—

“ I do not hesitate to say, that by the passing of this bill, Ireland will have a constituency far beyond any thing which Scotland could boast, and certainly not much behind that of England.”

He was at a loss to comprehend how, after that testimony of his intentions in introducing the Reform Bill, the noble Lord opposite could now say, that the constituency was liberal enough in Ireland. With regard to the number of voters, the noble Lord had come forward with an argument which was intended to afford a complete answer to all that had been said as to the existing position of the Irish franchise. The noble Lord had produced a paper. He was at a loss to account for the ignorance of the noble Lord on this question, for he could not suppose that he would have used the argument had he known its fallacy. He had gone through the number of voters in Cork, in Dublin, in Mayo, and in other places, with a view to show the increase which had taken place. The noble Viscount, the Secretary for Ireland had, a short time before, stated, that at the late election for Mayo (which was one of the places named), there had been no contest, by reason of the omission of the voters to register themselves, so that the constituency did not exceed 700. Many hon. Members could have told the noble Lord, that the return contained all the voters of 1832, and many who had been re-registered. Those of the year 1832, however, expired in October and November last. The return bore date of the previous February, and since then the diminution of the number of voters had been very great. The return for Antrim showed the number of voters on the lists to be 5,263, but of these 3,487 votes had expired. In Armagh, the number had been reduced from 5,354, by 3,342; in Cork, the number had been reduced from 5,738, by 3,835, thus leaving a constituency of less than 2,000, for a population of 700,000; in Mayo, the numbers had been reduced from 2,185, by 1,350; and in Tipperary, from 4,143, by 2,369. It was galling to the feelings of the people of Ireland, when they saw so much igno-

rance of the state of their country, by those who came forward to legislate for it; but he could well forgive the ignorance, if he saw the exhibition of a spirit of acquiescence. The noble Lord had made use of another argument to which he would refer, and at which he had been much astonished. He said, he would not press upon the House the argument how impossible it was to sanction the application of those principles to Ireland alone, because that was an argument which would readily suggest itself to the mind of every one who heard him, and how impossible it would be to withhold the same extension of the elective franchise to the other parts of the United Kingdom. Now, he did not object to the extension of the franchise in England and Scotland; but did the noble Lord, when he used that argument, think that it was double-handed, and might be used against him? Did he recollect, that if it was good that the privileges of Ireland should be extended to England and Scotland, it would be equally good that the privileges of England and Scotland should be extended to Ireland? In the discussions upon the question of the Irish Municipal Reform Act, did hon. Gentlemen, who so unanimously desired to concede the new law to England and Scotland, with the same eagerness desire to apply its principles to Ireland? No; but they opposed it, and resisted it by every means in their power, and threw every obstacle in the way of granting the provisions which were proposed. Was this the way, he asked, in which either the noble Lord or hon. Gentleman opposite thought to procure the extension to Ireland of British rights and privileges? Was this their notion of the union between the two countries, for which the noble Lord opposite declared himself such a strenuous advocate, that he would resist any alteration being made, even to the death? He did not know whether the noble Lord would speak of Ireland in the same terms as a recent pamphleteer, who called himself "A Conservative Member of Parliament," and showed himself to be a great admirer of the noble Lord, whom he called the head of his party. He talked of England as the "royal mistress," and of Ireland as her "tributary;" not a phrase of equality, certainly, or of even a moderate degree of inferiority. But whether the noble Lord meant to use such words or not, he, at all events, seemed to

be inclined to employ such language.—A great deal had been said about repeal of the union. What did they suppose the feeling on the subject in Ireland arose from, but the discontent that existed in the country? Did they think to allay that discontent, by opposing such a measure as this? No; they would, on the contrary, make it assume a more dangerous shape than it had ever yet assumed. He was the last man to use anything like threats, but he could not shut his eyes to the fact, that discomfiture abroad might occur at the same time with discontent at home. It was unfortunately observable, that almost every great concession made to the popular feeling, had been made under circumstances similar to the present in Ireland. But the present measure would raise a feeling of gratitude in Ireland, that would lead to much more glorious results than those of military renown. He hoped, therefore, that the House would agree to the second reading.

Mr. *Emerson Tennent*, in the very few observations which he had to offer to the House, would confine himself strictly to the question of the franchise proposed by this bill; and which, in reality, was the bill itself; for all the clauses and provisions contained in it have reference to the new franchise, and it alone; and when the single clause which establishes the 5*l*. rating shall have been struck out of the bill, the remainder of its provisions will be absolutely useless, inasmuch as they are utterly inapplicable to the existing franchise, as constituted by the Reform Act. And he would beg to impress this important fact upon the attention of hon. Members opposite, some of whom might be disposed to vote for the second reading of the entire bill, although utterly condemning the 5*l*. franchise clause, under the conviction that it could be expunged in committee, and the remainder left as a remedy for the existing abuses. This course he begged to tell them now was utterly impracticable, for when the franchise clause is extracted, the entire measure being constructed upon it, must of necessity fall to the ground, and the grand object of the opponents of any reform in the present system will have attained their object—we shall have no bill this year. He said it distinctly, that to expunge this clause in committee was tantamount to voting against the further progress of the bill; and to vote for the whole bill now, was to

all intents to approve of that clause, because the whole bill was built upon it. And, first, as to the mode of ascertaining this new franchise—one serious objection which he saw, was the absolute and summary power given to the Poor-law officials of determining the extent of the electoral constituencies of Ireland. He had always regarded the valuation under the Poor-law as most important and valuable as an evidence to assist in discriminating the qualified persons in the court of the registering barrister. But the present bill rendered these valuations not merely the evidence, but the judgment in each case. By the 11th clause the poll-book shall be “conclusive” evidence of the net value, and a copy of it, in its absence shall be *primâ facie* evidence. The opinion of the valutors, therefore, will be not merely testimony to go before the court, but it will be the decision of the court itself, when right. The Poor-law officials and their *employées* will thus be, to all intents and purposes, a political engine; and, looking to the spirit in which these elections and appointments had hitherto been carried in Ireland, he conceived that such a result would be neither prudent, safe, nor satisfactory. In one instance, in the county of Tipperary, the clerk of the guardians had already been detected in making out the lists of rate-payers, as if by anticipation, in divisions of Tories and Liberals; and had been reprimanded, but not dismissed, for his mischievous interference. To confide the absolute and uncontrolled power of making out the lists of voters to officials such as this, would be an aggravation rather than alleviation of the present system. And now, as to the amount of that franchise, he would pass by altogether the considerations of the finality of the Reform Bill as a constitutional settlement, and the danger of annual revolutions as expounded by the noble Lord, the Secretary for the Colonies, and the various other incidental considerations which either had been, or could not fail to be, pressed upon the attention of the House in the course of the debate. He would confine himself exclusively to the probable working of the measure, did there exist the remotest probability of its ever becoming the law of Ireland. In this respect he would declare distinctly that he would infinitely prefer household suffrage to this principle of a 5*l* franchise, made up compoundedly of house and land. A man with a house of the annual value of 5*l*. was

a more responsible and respectable person than an individual with a roof worth possibly 50*s.*, or perhaps with no house at all, but a lodge, and paying a rack-rent for as much land as could be valued by the Poor-law officer at 5*l*. Nay, further, a tenant might be paying for land from fifty to one hundred per cent. more than its value; he might be paying 10*l*. for land valued at only 5*l*.; and yet if that man had a fag-end of a fourteen years lease unexpired, he could register as an elector for his county. The noble Lord, the Secretary for Ireland, had announced his intention to define the existing franchise, by which a man is required to have a beneficial interest of at least 10*l*. above his rent, and he redeems his promise by substituting a definition that would admit the party whose rent might be 10*l*. above the actual value. But in order to prevent the inundation of the lists by persons of this class, the noble Lord places the utmost reliance upon the check which will be imposed by the rating, and by the party who accepts of the franchise being subjected to the assessment of his property in consequence; and, consequently, that persons falling below the standard, will not submit to be placed fraudulently upon the list, from an apprehension of the payments it will entail. This was an argument that might be of avail were the amount to be levied a matter of serious amount; but the rate upon a tenement of the value of 5*l.*, at ten pence in the pound, which was the sum expected to be imposed in Ireland, would not be more than two shillings and a penny upon each elector, as on 5*l*. tenements the landlord is to be subject to one-half the rate. Two shillings a year would therefore be the hire of a franchise in Ireland; and if the elector objected to its amount, he did not conceive that it would be difficult to find some patriot willing to bear the expense. In constituencies which had been newly contested, a very trifling annual sum would speedily put an end to elections; 500 voters could be kept upon the lists for 50*l*. a-year; and, as if to suit the law to some such emergency, he observed that in the 10th clause a provision had been quietly slipped in to legalize the payment of rates “on behalf of the elector;” a provision which was utterly at variance with the law in England, and had probably been suggested by the unfortunate failure of a similar attempt to swamp the constituency of Liverpool. The reasons assigned by the noble Lord for establishing this

franchise this year are precisely the same as those adduced by the hon. Member for Dublin, when the noble Lord resisted it last year, namely, some inequality between the relative numbers of the constituency and the population in the various counties and boroughs of England and Ireland, and an inference thence derived that in the latter country the Reform Act has failed to realise its own intentions or promises. Now, he would take just one example in order to show that such was not the fact, as to any failure in the effect of the Reform Act of 1832, and likewise to exhibit in its true colours, the probable effect of this new Reform Bill of 1841. The illustration which he would adduce was, that of the town which he had the honour to represent, and which, as there was nothing peculiar in its circumstances, might be fairly taken as exhibiting the case of similar constituencies in Ireland. On looking to the report of the boundary commissioners, which was the basis of any expectations formed as to the working of the Reform Bill, he found the following passage as to Belfast:—

“The number of houses within the limits of the borough is about 8,022, of which 316 are of the annual value of 10*l.* and upwards; making the necessary deductions from these for female occupiers, vacant houses, double occupancies, and disqualified persons, and taking the whole of these at 860, the probable number of qualified occupiers of 10*l.* houses in Belfast would be 2,300.”

By this statement it appears that the 10*l.* constituency was anticipated by the framers of the Reform Bill to amount to 2,300 persons; and of course, when they are told that that qualification is to be superseded, and a lower one by fifty per cent. introduced, they will imagine that the original expectation has utterly failed, and that the actual constituency has fallen far below the estimate of 1832; but what has been the fact? The number of registered occupiers in Belfast amounts to 2,105, within 195 of their original calculation; and the difference unregistered is more than accounted for by the want of a clause to admit the registration of joint-tenants—a provision which, if introduced, still leaving the franchise at the 10*l.* standard, will more than make up the constituency to the 2,300 represented by the commissioners. And now as to the effect of the proposed alteration in Belfast. He had caused the two existing valuations of

Belfast to be strictly examined. One of these is made by the local police, and takes notice of all houses of and above the value of—*l.*: the other is the Poor-law valuation upon the same principle. The Poor-law valuation gives the number of 5*l.* houses and upwards as 6,365, the police valuation makes them 6,773; deducting from the former of these the number of houses actually registered, namely, 2,105, we shall have in Belfast an addition to the constituency of no less than 4,260 persons, qualified as 5*l.* householders under the bill of the noble Lord, 4,260 new electors to be added to 2,105. But this is not the entire question. Population is not the only basis of the franchise; but the theory of the representation goes upon the principle that, in legislation, property should be protected by conferring the franchise only upon those who know its rights by enjoying it. But will this description apply to the multitudes with which the present constituency is to be deluged? They will be men whose whole property is inferred from the possession of a 5*l.* house. Every voter now upon the lists with property amounting of 10*l.* and upwards, will be outvoted by the addition of two electors, whose franchise will be 5*l.* The new constituency will consist of two men of the qualification of 5*l.* for every one of the qualification of 10*l.* and above it; and yet property, even the noble Lord will tell us, is to be the basis of qualification. Why, even in introducing the municipal franchise for Ireland, the noble Lord did not venture to reduce it to so low a standard as this. It is to be tantamount to a 10*l.* qualification, or something near it—that is to say, the man who has a vote for a town councillor or a municipal clerk must be qualified to the extent of 10*l.*, but the elector of a Member for the borough need only be in possession of a shed that can be rated at 5*l.* Not only the absurdity and inconsistency, but the danger to be apprehended from such a settlement would effectually prevent its ever passing into a law, and he believed that there was too much good sense even amongst Members, who on other points supported the Government, to permit them to give their countenance to such a project of desperation and revolution.

Mr. William Roche said, he likewise, felt it necessary to commence as so many previous speakers did by stating that verging so near a close as this protracted debate now does, analysed as even its details

as well as its principles (which fairly form the only object of the present reading) have been. He was little inclined to long detain the House, or indeed at all, were it not (especially in the feelings of Irish Members) a question, nay a crisis, seriously involving the rights, the liberties, tranquility, and well being, of that country which sent them here to protect and promote its interests. However slightly or dubiously the honourable, and he believed he should add, the learned Member for Belfast, spoke of adopting the Poor-law valuation as a principle for estimating the elective franchise in Ireland, he (Mr. Roche) deemed it one of the most useful portions of the present bill, affording as it did the most definite and impartial test that could be devised for that purpose, instead of the present uncertain, conflicting, and litigious mode of ascertaining the qualification, embarrassing, as it did, the very highest authorities and tribunals, so that, conformably to the couplet, it may be said—

“Who can decide when doctors (or rather judges) disagree,

“And sounder casuists doubt than you or me.”

Gentlemen would, of course, entertain their respective opinions on the 5*l.* value, but in his opinion it was the fairest that could be adopted even in reference to the 10*l.* qualification now existing under the Irish Reform Act. He was convinced it would not raise the Irish constituency beyond its present aggregate, but at all events not beyond what Ireland was justly entitled to, with reference to the English constituency; the Poor-law valuation being so much inferior to the estimate of value usually taken under present circumstances. To sustain this opinion he would beg leave to read a letter from a most intelligent respectable gentleman. Captain Kane, chairman of the Poor-law guardians in the Limerick Union.

“Limerick 18 Feb., 1841.

“My Dear Sir,

“With regard to your inquiries relative to the valuation of the Limerick Union, I beg to acquaint you that I have been this day employed as chairman of the board of guardians, examining and comparing the rates to enable me to sign the warrants for their collection, and that, by comparing the rates made by the valuator on the several descriptions of property in the Union with what I consider the fair value of that property, if brought into the market, I have no hesitation in saying I am satisfied that, although there may be a few in-

stances, where a 5*l.* rate in this union may not be equal to 10*l.* beneficial interest under the present system of registration, that generally speaking a 5*l.* rate under the Poor-law would be found to possess a more certain and substantial freehold interest, than what is termed the beneficial interest of 10*l.*, under the existing laws relative to registration.

“Believe me &c.”

Now, a more competent person could not be found, at least in the union where he presided, than the intelligent writer of this letter, peculiarly well informed as he was on the subject. He (Mr. Roche) could not but consider this bill and its rival one; that of the noble Lord the Member for North Lancashire, as antagonist measures; the one to sustain, the other to ultimately extinguish the popular part of the Irish constituency, the one calculated to secure the spirit of the Irish Reform Act, the other by its tortures and harassing devices and requisites, to paralyse, and in the end annihilate every popular right granted by that act, for what right could be secure unless fortified by the right of franchise. But, this branch of the subject had been so amply argued that he would turn to another which attracted his attention during the debate, and for which purpose he was desirous of rising yesterday, after the speech of the hon. and learned Member for Bandon, in consequence of his having arraigned the Irish Catholic Clergy for their interference in public affairs. He (Mr. Roche) agreed, and so would every reflecting person, that it would be well if things were so settled and adjusted as to take away any reasonable cause for the clergy of either and every persuasion descending from the higher and holier sphere and functions into the angry strife of politics; but, Sir, said the hon. Gentleman, it is not choice, it is necessity, that compels the Catholic pastors to do so in order, as was well explained by the hon. Member for Drogheda, to defend themselves, their creed, and their people from the odious slanders and calumnies heaped so unjustly upon them; slanders and calumnies which they will not nor ought not, to suffer or submit to without repelling, and rescuing their creed, character and flocks, from such malignity and oppression. It cannot be denied, Sir, that the Catholic clergy are most assiduous in their arduous callings leaving them little time or inclination indeed for gratuitously meddling in politics, and let, Sir, this desirable

forbearance be but practised by the clergy of other sects, and you will assuredly find the Catholic pastors most willingly and anxiously adopt it. It is, Sir, a defect in human nature not to appreciate sufficiently what we possess until deprived of it; and, Sir, without the untiring admonitions and exertions of the Catholic clergy, often, I fear, would their poor flocks be goaded by want and oppression into the most serious convulsions—and sure I am that if a hostile armament menaced their shores none would be found more prompt than they to repel it; laying aside on such an occasion every personal feeling, and all minor considerations, to testify their loyalty and love of country. But, Sir, the only true way to put a stop to Irish agitation whether clerical or laical is (to use this short but emphatic phrase) “by doing justice to that country,” and by raising it politically, and physically to the rank and comforts of its sister people. This, and this alone, is the sound and permanent remedy and until adopted it will be unfair and unjust to complain of Irish agitation. But to turn to another subject, I beg to say, that I was in Ireland when intelligence arrived there of the introduction of the bill, now under discussion, by the noble Lord, the excellent Secretary for Ireland, and I can bear testimony to the great and general satisfaction it diffused, not only by its intrinsic justice and liberality, but likewise by inspiring a hope that the other wants of Ireland, political and physical, would not continue interminably unheeded. Indeed this feeling of satisfaction was further augmented by its contrast with the anxiety and alarm, produced by the previous tortuous measure of the noble Lord, the Member for North Lancashire, the enactments of which were so burdensome to the honest as well as the dishonest claimant, that an abandonment of looking for the franchise, through such a maze of difficulties, would be the result. On this announcement of the Government measure the people asked each other, “will not the noble Lord suspend at least his bill, and give a fair trial to the Government proceeding,” affording as it does so much contentment and satisfaction?—but the reply unfortunately was, “It is not likely,” for the more liberal and equitable the Government measure, the more it will be resisted by those who have so long deemed coercion not conciliation, and consideration to be the principle upon

which Ireland should be governed. This anticipation, he trusted, would not prove true, and that the good sense and good feeling of Parliament, would pass a measure founded upon justice, upon the spirit of the Reform Bill, calculated to produce so much of contentment in Ireland, and to put an end to that lamentable litigation and difference of opinion now existing on the nature of the franchise, or qualification; the defining of which is one of the most valuable parts of the Government Bill, and the omission of which in such remedial measure, would be like leaving out (to use an illustration often adduced) the part of Hamlet in the play of that name. Under these impressions and feelings the bill before the House shall have my warmest support.”

Mr. Shaw said, that in rising to address the House at that protracted period of the debate, he was relieved, as well by the speech of the hon. Gentleman who had just sat down, as by the whole tenor of the previous speeches, from the necessity of proving what must, by that time, be plain to hon. Gentlemen, on both sides of the House—that the real question then under discussion was one of the franchise and not of registration—and that their division, to be taken that night, would decide, not whether they would give a second reading to a bill having for its *bond fide* object to amend the law relating to the registration of voters in Ireland, but whether or not they were prepared to sanction the principle of the substitution of a 5*l.* occupation franchise for the present 10*l.* property or profit franchise prevailing in the counties, and the present 10*l.* occupation franchise in the towns of Ireland. That had been ably shown by his hon. and learned Friend the Member for Exeter (Sir W. Follett), was admitted in the fervent candour of the right hon. the Secretary-at-War (Mr. Macaulay); and to his (Mr. Shaw's) mind, was no less clearly proved by the entire omission of that, the real question, from the speeches of the two right hon. and learned Gentlemen opposite, the Attorney-general for Ireland (Mr. Pigot), and the Vice-president of the Board of Trade (Mr. Sheil), who appeared to think it more politic to entangle the attention of the House in the details of his noble Friend's (Lord Stanley's) bill, which was not then before them, than to allow it to dwell upon the real point under consideration, namely, whether that House was prepared to depart

from the principles of the Reform Bill. That the present system of registration in Ireland was one of fiction, fraud, and perjury, was notorious; the noble Lord (Lord Morpeth) admitted it on the introduction of the present bill; and the documents and evidence adduced by the noble Lord on that occasion abundantly proved a case against the present law of registration, meagre and inadequate as they were for the purpose for which the noble Lord relied upon them. The insincerity of the Government in their professed desire to amend the existing registration laws, appeared from the whole history of their legislation on the subject since the Session of 1835. Bill after bill was reluctantly introduced, slowly proceeded with, and eventually abandoned by the noble Lord and the successive law-officers of the Crown in Ireland, from that time until the last Session of Parliament, when his noble Friend (Lord Stanley) determined that the intolerable and crying evils of the system should no longer continue, without, at least, a sincere effort to redress them, and brought forward the measure which had caused a torrent of personal abuse and invective to be directed against his noble Friend, while they had heard little or no argument against the main provisions of his bill—a bill, which, he was persuaded, his noble Friend had introduced, and which, he unaffectedly declared, he had supported, with no other object than that which he would describe in the words of the right hon. Gentleman the Secretary at War, “to let in good votes, and to shut out bad ones”; but he thought the right hon. Gentleman would have more truly defined it, to speak in Government phrase of the Government measure, had he said that its object was to let in bad votes, and to keep them there. How, then, had the bill of his noble Friend been met by her Majesty’s Government during the last Session? By what had been very appropriately termed—not by that side of the House only, the opponents of the bill, but by its Friends and supporters, in the way of compliment and gratitude to the noble Lord who had introduced it, the “embarrassment” bill of the noble Lord; and it had served its purpose, not, however, without much difficulty and danger to the Government; and, in such peril did they feel their measuring last majority would be placed by a repetition of the same tactics in the

present Session, that although an early notice had been given by the noble Lord of their renewal, that had been subsequently withdrawn; and, in lieu of the registration bill, of which the noble Lord had placed a formal notice on the paper the first night of the Session, he had presented the House with the bill then under discussion, defended by the noble Lord, in reply to the just denunciation of his noble Friend (Lord Stanley), as a proposition which was at least bold, open, and manly. Bold it undoubtedly was, even to recklessness, as regarded its real purpose; but he (Mr. Shaw) must arraign it as covert, uncandid, and (in parliamentary acceptance) a bill brought forward under fraudulent pretences, as regarded the object which it professed to have in view. He confessed that when the noble Lord announced his plan, it had astonished and startled him, not that he had considered the noble Lord as over-squeamish in matters of party politics; he acknowledged in the noble Lord what the noble Lord had so well professed himself the other night—a promising disciple of the movement. He had suspected that in the Irish department the noble Lord served under no easy taskmaster. Nevertheless, he had not thought it possible that these or any other considerations could have induced the noble Lord to lend himself to a project which, if carried into effect, would be an unsettlement of the great Irish questions—settled, as the House and the country had been led to suppose, in 1829 and 1832. That it would not be carried into a law, the noble Lord and the entire Government were well aware—but that would not prevent the mischief which a moment’s calm reflection must convince the noble Lord the mere proposition was fraught with to the growing improvement, the future prosperity, and permanent peace, of Ireland. As the present peculiar condition of Ireland was a ground that had not been much dwelt upon in the debate, perhaps, the House would allow him shortly to advert to it. He believed it would not be denied by Gentlemen acquainted with Ireland, on either side of the House, that for nearly the last half century—since the great accession to the number of 40s. freeholders by the Act of the Irish Parliament, in 1793—the great bane to the progress and improvement of that country in industry and wealth had been the subdivision of land and the multipli-

cation of small holdings. The right hon. Gentleman, the Vice-president of the Board of Trade charged the Irish Tory landlords as the parties who had by their influence abolished the 40s. freeholders; but the right hon. Gentleman should have recollected that, so far from that being the case, in 1825, before committees of both Houses of Parliament, it was Mr. Blake and Mr. O'Connell—in language quoted by his (Mr. Shaw's) right hon. Friend and colleague last night—and the whole current of evidence leaning in all other respects to the popular side in politics, established that the depressed condition of the Irish people was principally owing to the 40s. freeholders and low rate of the elective franchise, and recommended that it should be raised at least to its present amount. Mr. Blake, in the strongest manner, stated that, in his opinion, the higher franchise was essential to the peace of Ireland, in respect of the better division of farms, of the establishment of a substantial yeomanry, and of the due weight to be given to property in constituting the basis of political power in Ireland. He would briefly refer, for proofs to the same effect, to reports which had been laid on the Table of the House upon the state of Ireland, and all from an unexceptionable source—coming from his (Mr. Shaw's) side of the House—from authorities appointed by the present Government. The first he would refer to was the Report of the Railway Commissioners, published in 1838, and the first name signed to it was that of the late Mr. Drummond, Under-secretary of Ireland. The report stated the great evil of Ireland to be (p. 114)—

“The division of the land into small farms, and their subdivision into portions continually decreasing in extent with each succeeding generation of claimants, until on some estates literally every rood of ground maintained, or rather was charged with the maintenance, of its man.”

The report continued

“The proprietors themselves were active promoters of that system, and that from two obvious and intelligible motives—a desire to swell the amount of their rent-rolls, which were at first considerably increased by the operation of this principle; and a wish to possess themselves of political influence and power at elections. The local operation of the latter cause is manifest, and admits of distinct proofs in almost every populous district in Ireland; and its general effect may be inferred from the remarkable and accelerated increase of the population

which took place from the year 1793, the date of the act for conferring the elective franchise on that class of voters known as the 40s. freeholders. In 1791 the numbers were 4,206,612. In 1821 they were found to have increased to 6,801,827. The misery and destitution which prevail so extensively, together with all the demoralisation incident to the peculiar condition of the Irish peasantry, may be traced to this source.”

Mr. Cornwall Lewis, in his remarks on the poor-laws, printed by the House in 1837, also observes upon the powerful influence which the 40s. freeholders had in the multiplication of small holdings. Upon the concurrent testimony then of all parties they were abolished, and what had been the consequence? The railway commissioners observe,

“For some years,” speaking of 1838, “the proprietors of land have endeavoured to counteract evils arising from the increase of a pauper and unemployed population, and to prevent its extension. Their eyes have long been opened to the mischief partly created, and in a great measure countenanced, by themselves; and they are quite willing to retrace their steps, and reduce their estates, if possible, to a condition more favourable to a judicious mode of cultivation, and to the regular and profitable occupation of the poor. Already considerable progress has been made towards the establishment of a better system of agriculture, and the altered and much-improved appearance of the country in many places is owing to the success which has attended those endeavours.”

Speaking, then, of the poverty and distress of the people, the report continues:

“Such appear to be the inseparable concomitants of that transition which a considerable portion of the Irish peasantry are actually undergoing at present, and through which it is necessary for the general good that they shall all pass—a transition from the state of pauper tenants to that of independent labourers, maintained as the same class are in England by their daily labour. This change cannot be much longer delayed with safety. It is not possible to avoid it by any other alternative than that of permitting a state of society, pregnant with all the elements of disorder and confusion, to go on unchecked, until it forces the whole population down to the lowest depths of misery and degradation.”

A passage in the first report of Mr. Nicholls on the Irish poor-laws, with reference to the present transition period in Ireland, was well worthy of attention. It stated (p. 15),

“A system of poor-laws, however, if established in Ireland, must not be expected to

work miracles. It would not immediately give employment or capital; but it would, I think, serve to help the country through what may be called its transition period. Facilities now exist in Ireland for helping forward the transition, and for shortening its duration, as well as securing its benefits. By the term 'transition period,' I mean to indicate that season of change from the system of small holdings, allotments, and subdivision of lands which now prevails in Ireland, to the better practice of day-labour for wages, and to that dependance on daily labour for support which is the present condition of the English peasantry. This transition period is, I believe, generally beset with difficulty and suffering. It was so in England; it is, and for a time will probably continue to be so, in Ireland, and every aid should be afforded to shorten its duration, and lessen its pressure."

and yet this is the very period selected by the Government to reintroduce a system from which the land and the population of Ireland are now, with much difficulty and sacrifice and suffering, emerging, which Mr. Drummond declared could no longer last with safety, and, if permitted to continue, must force the whole population down to the lowest depths of misery and degradation. So late as last Thursday a meeting of the most influential landlords and proprietors of Ireland was convened and attended at Dublin, without distinction of parties or politics—for the purpose of forming a national agricultural association in Ireland, in which all might co-operate to correct and alter the very system which the present measure must tend to perpetuate, of small holdings and bad husbandry; and to introduce an improved system of agriculture and land-letting in Ireland. The gentry of Ireland seemed to be actively alive to the necessity of a great and combined effort for the purpose. And here he must complain of the most unfounded, unjust, and unfair attack which had last night been made by the hon. and learned Member for Liskeard (Mr. Buller) on the Irish gentry. They were certainly not so wealthy as the English—they were unhappily comparatively but thinly scattered; but while there could be no class without exception, he maintained that there did not exist a body of men who on the whole were more benevolent, charitable, or kindly disposed towards, and to the utmost of, and often almost beyond, their means, ready to assist their tenants and dependants, than the Irish gentry—[*Hear, hear.*] If there was one thing more than another of which

Ireland had to complain, it was, that English gentlemen in and out of that House would, like the hon. Member for Liskeard, talk of matters connected with Ireland of which they were profoundly ignorant. The hon. Gentleman also said, there were but two parties in Ireland—the extremes on both sides. Now, he never was more mistaken in his life—for there was a very large and influential, and he trusted growing class, of the reflecting people of that country, differing in general politics and religion, who were now beginning to co-operate in measures for the general improvement of the country—if they could be but free from the agitation which the right hon. Gentleman recommended, and such legislative experiments as the present upon the excited feelings of the people. The hon. Gentleman, in calling all who did not agree with him, Orange and ascendancy men, seemed only an apt pupil of the hon. and learned Member for Dublin; just as in the case of Mr. Blacker the other day, the hon. and learned Member circulated a rumour of his (Mr. Blacker) having worn an Orange badge on circuit. When Mr. Blacker gave it the most complete contradiction, as being contrary to all the habits and opinions of his life—the hon. and learned Gentleman never uttered one word of apology or regret. The misstatement had its day—had answered its purpose—and there he left it. So of the hon. Gentleman's (Mr. Buller's) charges against the Irish gentry; his notions of justice to Ireland seemed to be all one-sided. He should not speak thus recklessly without feeling for, or regarding the feelings of others, and when he, the hon. Member, described the masses of that country as of great sensibility, he (Mr. Shaw) could assure the hon. Gentleman that the gentry had feelings too. They were high-minded and honourable men, and very sensitive when imputations were cast upon them by those of their own class in this country so unprovoked, and he must say, without meaning any personal offence, so untrue in point of fact. Independently, then, of the political excitement of latter years, and of the extraordinary, and he must consider, unwarrantable interference of the Roman Catholic priesthood and agitators with the due influence and kindly relations which would naturally subsist between the landlords and their tenantry, though he admitted this had been partly the cause, yet

there were many concurrent causes at present in operation in Ireland to suspend the granting of leases on any extended scale. Many improving and reflecting landlords retained the control over their lands for the purpose of draining and fencing, and the better division of farms. He was that night in the House informed by an hon. Friend of his, connected with the North of Ireland, that the same practice had been adopted by the great London companies, who could not be accused of following it from party, at all events from Conservative politics. The Poor-laws were only in course of introduction. The rent-charge act, and the recent changes in the law were seriously affecting the rights of property, and their results were not yet fully known. On the whole, there never was a period the facts of which constituted more unsatisfactory data for any permanent legislation, or more ill-chosen for tampering with the franchise, or making experiments upon the feelings and interests of the agricultural population in Ireland—and it could not be denied that that measure, if tried by the criterion suggested by Mr. Nicholls, whether it was calculated to shorten the duration, and lessen the pressure of the present transition period, would operate so as infinitely to prolong the one, and one-hundred-fold to aggravate the other. It had already been shown in the debate, and particularly by his hon. and learned Friend (Sir W. Follett), that the class of electors proposed by the bill, would be worse than the old 40s. freeholders. One instance furnished by the report of Messrs. Haig and Deasy, lately placed in the hands of Members, would suffice to prove that allegation, as well as the kind of voter the bill would enfranchise. At page 7 those commissioners stated,

“The low scale of valuation that has been adopted by the Poor-law valuers, operates more strongly on tenements of small expense, than upon large holdings. Thus, in Fermoy union, where there was an opportunity of ascertaining this with accuracy, small holdings are frequently valued at sums not amounting to one-fourth, or even one-fifth, of their rent.”

Suppose, then, one of these holdings valued at 5*l.* a year, but the tenant paying a rent of 20*l.*, that man, if he had a fourteen years' lease, or the remnant of it, would be an elector under this bill; but he could not be a 40s. freeholder;

having no profit, he could not be an elector under any franchise requiring any amount of property in the land, however small—he would not even be liable to Poor-rates, for, under the 74th section of the Poor-law Act, if his rent were only double instead of four times the rated value, the landlord must pay all, the tenant could not, under the existing law, have a vote, even in a town, for either a Member or town-councillor, his premises being only of half the requisite value; and yet this miserable rack-renter, or much worse, living probably in a wretched hovel, and bound to pay his landlord four times its value, held under the most complete subjection to his will, was a specimen of the independent constituency that bill was to create. Let him here observe, that being under a lease, without any profit, would only place him more completely in his landlord's power, especially under the civil bill jurisdiction in Ireland, which gave peculiar facilities to the landlord where the holding was by lease. What, then, has caused the change which had come over the minds of the Government, since the last Session of Parliament? The discussion of 1839, when the hon. and learned Gentleman (Mr. O'Connell) proposed a similar measure, has been already referred to; but he did not think the emphatic terms in which the noble Lord then refused even to listen to its introduction, had been quoted in the present debate; and the House should not be unaware of them. It appears that on the 28th of February, 1839, the hon. and learned Gentleman, the Member for Dublin, asked leave to have his bill read a first time; he observed in his opening speech, “What I propose is, to reduce the franchise in both countries to 5*l.*,” which might mean 5*l.* profit, and, in that case, would have been a considerably higher franchise than that now proposed, to which the noble Lord (Lord Morpeth) replied,

“I cannot exclude from my consideration of this case, that the motion of my hon. and learned Friend, if assented to, would be in direct contravention, both of the settlement which accompanied the Emancipation Act of 1829, and of the settlement made by the Reform Act of 1832.”

Again, he (Lord Morpeth) observed, with reference to the same proposition of the hon. Member for Dublin, “It cannot be asserted that all that has been taken place since the passing of the Emancipation

Act has so far re-assured and quieted the minds of those who viewed with great jealousy and distrust the tendency and consequences of that measure, as to bring it within the verge of possibility, that Parliament would give its sanction to the motion of my hon. and learned Friend;” and yet the noble Lord is now himself the proposer of that very measure, in breach of those two great settlements, and which, in 1839, he considered it not within the verge of possibility that the House would even entertain. The question of the relative proportion between the population and the constituency in England and Ireland was then strongly relied on by the hon. and learned Gentleman (Mr. O’Connell), but had no effect on the noble Lord, and in that he conceived there was a great fallacy, to which the mind of the House had not been sufficiently directed. It appeared from the third report of the commissioners for inquiring into the condition of the poorer classes in Ireland, among whom were the Archbishop of Dublin, the Titular Archbishop, Dr. Murray, Mr. Blake, Mr. Wrightson, an hon. Member on the other side of the House, and the present Lord Fingal,

“That in Great Britain the agricultural families constitute little more than a fourth, while in Ireland they constitute about two-thirds of the whole population; that there were in Great Britain, in 1831, 1,055,982 agricultural labourers; in Ireland, 1,131,715, although the cultivated land of Great Britain amounts to about 34,250,000 acres, and that of Ireland only to about 14,000,000. We thus find that there are in Ireland about five agricultural labourers for every two that there are for the same quantity of land in Great Britain, and that the earnings of the labourers come, on an average of the whole class, to from 2s. to 2s. 6d. a week, or thereabouts, for the year round.”

In another part of the report it is stated that

“The number of persons in Ireland out of work, and in distress, during thirty weeks of the year, is not less than 585,000, nor the number of persons depending upon these less than 1,800,000, making in the whole 2,385,000.”

He regretted that the hon. Member for Kilkenny was not in his place. [*Hear, hear!*] from Mr. Hume.] Well then, he would ask that hon. Gentleman, an advocate as he was for extending the franchise, whether he would confer it upon a class of persons such as these reports

described? [Mr. Hume—I would.] The hon. Member says, he would confer the franchise upon persons who had not food enough to sustain life, or clothing to protect them from the inclemency of the weather. Take, then, the whole population at 8,000,000, apply the commissioners’ rule to the 1,100,000 of mere labourers, and you will have above 4,000,000, or half the population between them and their families, living on from 2s. to 2s. 6d. a week, and, as they state, “a great portion of them insufficiently provided at any time with the commonest necessities of life, their habitations generally wretched hovels, and their food commonly consisting of dry potatoes. God knew that if he thought the present plan could relieve that destitution, which he as much as any man deplored, he would gladly support it; but in his conscience, instead of being a blessing, he was convinced it would prove a curse to the very class he was describing. Surely it would not be too much to lay aside these 4,000,000 from all consideration of the franchise; we then have 4,000,000 left of men, women, and children, that is, about 1,000,000 of adult males; and, allowing for heads of families and householders, about the quarter of that number would remain. Now, the return lately laid before the House shows a constituency last year of 150,000; which, allowing for the deductions claimed, would at all events leave a *bonâ fide* constituency, say, of 120,000 persons. If they looked to the present representatives, no reasonable person could contend that an undue preponderance of property over population had been felt in their selection. They came then to the only pretext which had been relied upon with any appearance of reason in the debate, and it was the difference between the Irish judges on the question of the beneficial interest. He lamented that difference as much as any one; he admitted that a continuing difference between the twelve judges on a question of law was a most grievous evil, but he denied that there was any adequate remedy proposed by the bill. True it was that as regarded the mere question of the beneficial interest, the noble Lord took a very simple mode of getting rid of that, by enacting, that as a difficulty had arisen in defining what was the amount of beneficial interest, for the future the county voter should be required to have no interest at all—as if

a patient had a pain in his little finger, and the faculty were divided, not knowing exactly how to define the disease, or the appropriate remedy to apply, and some young practitioner, some reckless disciple of the movement—should amputate the entire arm;—no doubt he would have cured the finger-ache; but not much have served the patient, or raised the character of the profession. Upon that point he would beg to read to the House an extract from a judgment of Judge Crampton's, pronounced the other day, and already alluded to by the noble Lord, the more particularly as the right hon. Gentleman (Mr. Sheil) had last night read an extract from a judgment on the same point by Chief Baron Brady:—

“The uniform usage,” said Mr. Justice Crampton, “from King John's time down to Frost's case, decided but last year, was, that upon a reserved case the judgment of the majority was binding. The case of Frost was a remarkable one. A special commission had been issued—the court was an independent one—from its decision a writ of error could not lie—a question was reserved for the decision of all the judges, and although the majority of all the judges below were of a different opinion from the majority of the assembled judges, yet they acted upon the decision adverse to their views. It was true that this was a crown case; but a crown case was not *a fortiori* stronger, but a *fortissimo*. If the rule was established in cases of life and death, ought it not also to prevail where less important things were at stake? Another radical error arose from the opinion that a judge adjourning a case for consideration in the exchequer chamber only consulted the other judges as his assessors or advisers; but this was not the fact in the sense the word was used; and with reference to public convenience, it should be a refined mind that could be satisfied with the subtle distinction drawn between the opinions of the twelve judges sitting in the court of error and the opinions of the same judges debating in chamber. It was only by securing a uniformity of decision that all suspicion of partizanship could be removed, and by pursuing a different course the administration of justice must be tarnished. Take the case of twelve judges and thirty-four assistant-barristers, some deciding one way, and others the opposite way; a person's right would depend upon the accident of who happened to go a particular circuit; and what did all this lead to but cost and inconvenience to the public? It was said that the legislature could give a remedy for all this; but was there reason to suppose that forty-six independent judges would concur in the construction of a new statute, when they could not now agree to settle the existing law? Why appeal to the legislature when there was an

ancient common law tribunal to decide, recognised by all the authorities? A judge was bound by his oath and by his conscience; he was bound by a public duty to pronounce the law, of which he was the depository, according as he found it in the recorded decisions of the judges of the land.”

This was a sufficient answer to almost every argument contained in the two speeches of the right hon. and learned Gentleman the Attorney-general and the right hon. the Secretary at War—if they had but changed the scene from Ireland to England, and supposed the cases to be those of life and death instead of a political franchise, and that a man's life was to depend upon—say at the Old Bailey or at the Central Criminal Court—upon the accident of whether he was tried by the Recorder, or by Mr. Justice A., or Chief Justice B. The case would be precisely parallel, but never could occur in this country. He desired to speak with every respect of the personal character of the dissentient judges. They had been too much encouraged by observations made from high legal and constitutional authorities in that House—he alluded to the noble Lord (J. Russell) and the Attorney-general. But he was persuaded those judges would not persist in bringing scandal and reproach upon the administration of justice, while he entirely concurred with Judge Crampton, that an act of parliament could not remove the difficulty. Suppose, in Frost's case, if the minority of the judges had decided contrary to the opinion of the majority, would an act of parliament to alter the law of evidence have remedied so great a public evil? It would be but a sanction of the course taken, leaving all other questions to arise in the same tribunal subject to equal uncertainty, and at that moment the civil bill jurisdiction administered by the same persons, and under precisely a similar statutory power was regulated upon the ordinary principles of justice and the constitution by the opinion of the twelve judges. He had now, then, to surmise what was the real cause of the change in the entire policy and conduct of her Majesty's Government, and he believed it was, that in their present weak and falling condition, they were threatened with the withdrawal of the support of the hon. and learned Gentleman (Mr. O'Connell) and the more radical section of their adherents, and they were content to purchase its continu-

ance at the price of the present proposal. He (Mr. Shaw) could not but deprecate the whole tone of the debate, encouraged, as he thought, by some observations which had fallen from the noble Lord (Morpeth) and the right hon. Gentleman (Mr. Macaulay), the only two Cabinet Ministers that had yet spoken, which appeared to him to imply a sanction or countenance to the language and threats which the hon. and learned Gentleman was in the habit of using in respect to the repeal of the union, and the connection between these countries. The hon. and learned Gentleman had displayed that sort of gratitude which generally accompanied an unjust and timid concession to unreasonable demands; and in a letter written subsequent to the noble Lord's speech on the introduction of the present bill, and when he had no reason to suppose it would even pass a second reading of the House, the hon. Gentleman (Mr. O'Connell) said, that "the bill, the whole bill, and nothing but the bill," was all he wanted. He told the people of Ireland that they would receive neither sympathy nor assistance in this country. He talked of the "cold-blooded injustice, the unrelenting hate, and bigoted detestation" of England to Ireland—he used language which was perfectly intolerable in reference to his noble Friend (Lord Stanley), and which he would not disgust the House by repeating. Was that the language for which the right hon. Gentleman says he could make allowance? And when the noble Lord (Morpeth) insinuated the other night something as to the agitation of the repeal of the union, and replacing feelings of amity for those of alienation and animosity, had he at all in his mind, without expressing his warmest disapprobation of them, the significant hints the hon. and learned Gentleman had recently been throwing out as to the Irish preference of the French to the English system, of France arming herself, and not having *yet* (in italics) tampered with the Irish nation? But the next Member of the Government who spoke was the right hon. Gentleman the Vice-president of the Board of Trade, encouraged by the noble Lord, a disciple in the new school of agitation, very likely soon to outrun his master. The noble Lord's were but gentle hints. The right hon. Gentleman ventured somewhat further. The hon. and learned Gentleman (Mr. O'Connell) said, "The

French are becoming an armed nation; Lord Stanley's bill will make French allies among the people of Ireland; England, beware!" The right hon. Gentleman, under great protestations, no doubt, that he meant no threat, "with tones somewhat faltering, and visage a little discomposed," but still in language bearing a remarkable analogy to that of his former, and according to the hon. Gentleman (Mr. Buller) less fortunate co-agitator, said, "France is arming, you are disfranchising; France is raising ramparts, you are pulling down bulwarks." Mr. Barrett, in the Corn-Exchange, and in the midst, as might be read in his own paper, of tremendous cheering and waving of hats, declared, "If Lord Stanley's bill passes, then will 8,000,000 Irishmen exclaim, 'France and the people; not England and the faction.'" There was less of rhetorical artifice in the orator of the Corn-Exchange, but the rounded antitheses of the right hon. Gentleman were quite as intelligible, and, perhaps more dangerous. He would, however, tell both Gentlemen that they reckoned without their host, for if any such insane attempt were made as that suggested, he (Mr. Shaw) verily believed that the great mass and majority of both Protestants and Roman Catholics in Ireland would rally round the laws, and be found faithful to the Crown and Government of that country. But circumstances and situation wonderfully varied the language of the right hon. Gentleman. He drew largely from former speeches and acts of his right hon. Friend (Sir J. Graham), but he seemed to forget the old proverb about houses of glass, or the right hon. Gentleman must have thought they had very short memories on that side of the House. Would the right hon. Gentleman like that he should go back to former days, when he (Mr. Sheil) was second only to one in the field of Irish agitation and repeal? Then—

"A patriot bursting with heroic rage"—

Since,

"A placeman, all tranquillity and smiles"—

And now, when danger threatened, when the sweets of office seemed ready to recede from his grasp, again he cast his eye towards the former scenes of his successful agitation, and, conjuring up wars and rumours of wars in Ireland, would fright this isle from her propriety, in the words of the same poet, with

"All the prettiness of feigned alarm,
"And anger insignificantly fierce."

The right hon. Gentleman quoted parts of speeches of his right hon. Friend (Sir James Graham), and said, "There, now call me a repealer if you like;" but the right hon. Gentleman took very good care not to say whether he were a repealer or not. No, no!—the mask might be wanted again. The right hon. Gentleman then pronounced a glowing eulogium upon his own devoted loyalty. He had no doubt the right hon. the Vice-president of the Board of Trade was passing loyal now; but there was once in Ireland a leading agitator, and a royal prince lay on his death-bed." The suggestion then made was somewhat stronger than the temporary swamping of the House of Lords. The figure of language more pungent than the submersion of the Royal George; but he sincerely believed that the excited feelings of the right hon. Gentleman had overcome his better nature at the moment, and he would forbear to quote the words. There certainly appeared to be some agreement between the views of that Mr. Barrett and the Government, for in the same speech he laid down as a doctrine, certainly with somewhat of Irish licence, but yet greatly in accordance with the practical course of her Majesty's Government, that "there was nothing durable but change." He also denounced Mr. Lawless, because, in refusing to attend one of those agitation meetings, that Gentleman had given as a reason that "all Ireland wanted was peace." Mr. Barrett said that such a sentiment was incompatible with freedom. Be that as it might, he (Mr. Shaw) was persuaded that the sentiment of Mr. Lawless was one in which a large majority of the sober-minded of all classes and creeds in Ireland concurred. They were tired of agitation and sought for repose. He (Mr. Shaw) then would implore the House, if, notwithstanding his declaration in 1839 and last year, the noble Lord the Secretary for Ireland was ready to disturb the great settlement of the Roman Catholic Relief and the Reform Acts—if the noble Lord the Secretary for the Colonies, notwithstanding his protestations to the contrary, was prepared to stir the cauldron from which might be extracted the charm of a new agitation—that they would not support the noble Lords in such a course, and refuse their sanction to the second reading of a bill which would give a sword

instead of peace to Ireland—raise hopes that could not be realised—excite expectations only to disappoint them, and, as had been well said by his hon. Friend the Member for Cavan (Mr. Young), and his hon. Friend the Member for Denbighshire (Mr. Cholmondeley), that was to begin legislation at the wrong end, by degrading the constitutional franchise to the level of the impoverished, though he trusted, improving population of Ireland, instead of endeavouring to elevate them to a fitness for that and every other privilege and blessing enjoyed by the more favoured portions of the empire. He (Mr. Shaw) had theretofore spoken as an Irishman. He would say one word with reference to England and Scotland before he sat down; and that was, to express a hope that before the debate closed, some Minister of the Crown would state, if the *5l.* occupation franchise was carried for Ireland, upon what principle it could be refused to the people of Great Britain? and if granted, it would confer the right of voting by thousands and tens of thousands upon masses of the people whom the Reform Bill never contemplated as forming any portion of the electoral body in any part of the United Kingdom.

Mr. O'Connell: The solemn duty I have to perform will not allow me to enter into any discursive commentary upon the speech that has just been delivered by the right hon. Gentleman who has just sat down. I only ask of the House to recollect two allegations of his. He has stated to the House, that about one-half of the population of Ireland, or more than four millions were in a state of poverty approaching to destitution. He stated that as a fact, and he read documents, too, to prove its accuracy. He also indulged in a warm panegyric—nay, even an eloquent eulogium upon the Irish landlords! He said that they were kind, they were good, they were tender, they were most excellent landlords. I join, then, together, these two statements of his. There are four millions, more than one-half of the population, in a state of starvation, with good landlords. Recollect, these two facts have been stated by the right hon. Gentleman, and now, whether the two are consistent with each other, is a point that I refer to English gentlemen. Thus, then, we find both in what we have heard and in what we have seen to-night, fitting specimens of what the Irish landlords are

both in politics and in statistics. Before I proceed further, I must, however, for the moment turn to one matter adverted to by the right hon. Gentleman. He introduced the name of Mr. Richard Barrett, as having made a speech in Dublin. I want to know who is there in the House who is responsible for Mr. Richard Barrett? Mr. Richard Barrett is a Protestant gentleman—one, too, possessed of considerable talents; he is a personal friend of mine; he is the brother of a gentleman who wrote the poem “All the Talents,” that may not be unknown amongst hon. Gentlemen opposite; and he is himself, too, in possession of great talents. I do not shrink from avowing that he is a personal friend of mine. Let me now, before I proceed, state that there are a couple of petitions that I would wish to have read at the Table of the House. I would require it to be done was I not certain that the surest way of having a petition not heard by the House is to have it read at the Table. Therefore it is that I have brought them with me in my pocket; and I shall now read two or three paragraphs from them, because I think it is most important that English gentlemen and Scotch gentlemen, as many of them as are opposed to us, should understand what is the feeling excited in Ireland by the discussion of this subject. Mr. Barrett may be wrong in having expressed the opinions that have been commented upon, but it is right that you should know that such opinions are entertained. It is more important that you should know of those opinions, either than they should be commented upon, or censured in this House. The first petition to which I wish to call your attention is from the county of Limerick. It is a petition from the inhabitants of Newcastle, and signed by six hundred persons. The petitioners state this:—The hon. Member here read the petition, which gave a detailed history of the government of Ireland, and the many injuries inflicted upon the people, and concluded by declaring that the bill of Lord Stanley would be regarded by Irishmen as an additional injury. I perceive at the foot of this petition the signature of a gentleman who is vicar-general of the diocese. A more exemplary clergyman there does not live—a man of higher intellect, of greater utility, of more spiritual character, or of superior attainments; he is one of ascetic piety; and yet that gen-

tleman has felt called upon to prepare a petition of this description. Why is it that I bring it before you—why do I read it to the House? It is to give you some notion of that which is felt in Ireland respecting your conduct. I have now another petition from a different part of Ireland. It is from Clonrush, in the county of Galway, and is signed by a Catholic clergyman. The petition points out the many vexatious and great expenses entailed on them by the present system of registration, all of which they declared would be aggravated by Lord Stanley's bill. There is another paragraph in it, which is equally strong with that of Newcastle, to which I have called your attention. In performing the task that is now assigned to me, I have thought it incumbent upon me to call your attention to these things, in order that you may know that the sentiments which you will hear expressed are not those of a solitary individual, but those that are generally, I may add universally, entertained by the people of Ireland. The people of Ireland, you ought to be aware of it, know perfectly well the nature of the contest that is now going on. They know what that contest is about, and they are not to be deluded by any special pleading upon words, nor chicanery about clauses—nor do they think much of your talk of registration, nor even for the statistical results that have been stated by the right hon. and learned Recorder. I may say of him, that I am glad to see that he can be in such excellent spirits, after his noble vindication of the Irish landlords. But this I tell you, the people of Ireland understand the question perfectly well. They comprehend thoroughly what is the simple and single issue between us. They know well that the question is this—whether you will pass a measure to extinguish the franchise, or pass a measure to extend the franchise. Everything else but this is collateral matter. It is the mere buckram and stay-tape, not the body nor the substance. It cannot be disguised from their common sense, that the measure of the noble Lord on this side of the House is a measure for extending the franchise—not so much as I would wish, nor so greatly as it is apprehended by others—but still the measure of the noble Lord is a measure for the extension of the franchise. The right hon. baronet has said, “well, fight the battle at your registries;” and the noble Lord

the Member for North Lancashire followed up the hint. And how was it that he wished the battle should be fought—by closing up the registries as against the people. The noble Lord has designedly—of course he has, for no man could with the intentions he has do any such thing but designedly—and when the right hon. Baronet said fight your battles at the registries, the noble Lord has taken care that the battles shall be fought in a field of his own selection, where the forces shall be all on one side, and the opposite party shall be excluded altogether. But then you cannot do this without the Irish people knowing it; and without their feeling that in your thus acting you are trampling upon them, and extinguishing their rights. It is quite true, then, that this is a national contest. The hon. and learned Sergeant (Mr. Jackson) has proved satisfactorily that a majority of English Members are for doing this, and that this is an English act of hostility to Ireland. There is not an Irishman who does not feel this. You have, then, a majority of English Members against Ireland, and you have, too, with them the learned Sergeant, who calls himself an Irishman. There is, too, the right hon. and learned Recorder, who actually called himself (but, without any disrespect, does not prove himself to be) a very good one. There is worse than a national feeling in this; and assuredly you have, without this, injured us often and long enough. It is, I affirm, worse than a national contest, for there is mixed up in it religious bigotry and national prejudice. We are Catholics and you are Protestants. The noble Lord the Member for North Lancashire has of course no Protestant prejudices whatever. He it is who has arrayed Englishmen against Irishmen—Catholics against Protestants—in this contest. Abide by him—abide by this—and you will have done irreparable injury. The world is listening to us. Foreign countries do not pay any regard to your little details or to your paltry quibbles upon the question; but they understand the question itself. They will not enter into your discussion upon your pretences, but they look watchfully to what it is you are about to determine. Why, then, should you not meet the real question openly and manfully, as becomes Englishmen? All the nations of the earth look with deep interest to your proceedings—with a deep interest in

your prosperity. Some of them with a deep hatred for this country—many of them. France sees and understands all this, in her present position; Spain, too, comprehends. Russia is also regarding it. America sees and understands the discussion. They all know its object, and the necessity for its termination. You have had hints upon this subject that have been tolerably distinct. It is my part to speak out. I generally do so, and here it is my duty to speak out. I am here the stipendiary of the Irish nation. I am proud of being so; for forty years I have enjoyed the confidence of her people, a confidence that has not been diminished—perhaps it may. The right hon. the Vice-president of the Board of Trade (Mr. Sheil) gave you a sufficiently distinct hint upon this subject. He is an Englishman. He is an Irishman, I beg his pardon. But the right hon. the Secretary at War gave you a distinct hint—almost as distinct as that given by the Vice-president of the Board of Trade—almost as much so as I would wish to give, or could give, without its coming in the nature of a threat. But then is he not the Secretary at War? If he knew that a regiment was about to desert, would it not be his duty to tell the fact? You may sneer at it now, for you are not engaged in war. The Secretary at War is naturally desirous that if you were engaged in war, you should recruit from a nation disposed to be your allies—that you should not make it hostile. He then told you that which was his advice, and which it was consistent with his office to give, and in doing so he performed that which every man in this House owes to the country. I, too, mean to speak out, and I care not how I may be calumniated, or what motives may be attributed to me for doing so; I am here as sincerely anxious, as truly desirous, to preserve the connection between the two countries as any man who listens to me. I admit to you that I am convinced that connection may be eminently useful, that there cannot be a severance without danger, and that if the severance were to take place through violence and blood, it would be a crime too large for execration. I think, Sir, that this Parliament is not fit to legislate for Ireland; and if I wanted a proof of that, I find it in the spirit of the hon. Member for Wakefield, whom I heard this night with great pleasure and great pain. I

heard him make a most powerful speech, and of great distinctness, in favour of the present bill; and he condemned emphatically and violently the bill of the noble Lord opposite, and yet he came to the lame and impotent conclusion of voting against the bill of the noble Lord on this side of the House. Why is it, that a gentleman of his moderation would refuse to Irish Catholics their enfranchisement? He admitted that justice ought to be done—that enfranchisement ought to be given, and yet he substantially refuses both. Did not the hon. and learned Member for Liskeard tell you facts that ought to make a deep impression on your minds—that you should recollect that you were legislating for Ireland, and what you ought to do. How does Ireland regard this? We have heard of men boasting of their allegiance; but if you be true in your allegiance to the Crown, is it not your first duty to preserve that country, which is the right arm of England in battle, and her best friend in peace? Can you do this, if you legislate for Ireland, and yet do not know how the people of Ireland feel with respect to what you are doing? Did not the hon. and learned Member for Liskeard, tell you this truth—that there never yet was any country that suffered so much from another, as Ireland has from you? Is it—can it be denied? No one has ventured to deny it. The right hon. Baronet the Member for Pembroke, avoided it; but the people of Ireland know it. Did you not inflict upon Ireland seven centuries of misrule? for four centuries of these, was it not a point of nonsuit at a trial for murder if a man pleaded that the person killed was an Irishman? If there were an indictment for murder, it was a good plea if it were stated that the deceased—that the man put to death by violence—was an Irishman, by means whereof no prosecution for felony could be maintained. Was there not the same price for the head of a wolf and that of a Catholic priest? And do not Irishmen know this? They may forgive, but it is impossible that they should forget it, until you forget the spirit which actuated these laws, and until, too, you forget to act against us, as if we were aliens and enemies. Will the time never come when you can abandon it? And here let me refer you to an extract from Hobbes of Malmesbury:—

“In which time (August, 1649), by the

dissensions in Ireland, between the confederate party and the Nuncio's party, and discontents about command, this army, otherwise sufficient, effected nothing and was at last departed, August 2, by a sally out of Dublin, which they were besieging. Within a few days after arrived Cromwell, who, with extraordinary diligence, and horrid executions, in less than a twelvemonth that he staid there, subdued in a manner the whole nation, having killed or exterminated a great part of them, and leaving his son-in-law Ireton to subdue the rest. But Ireton died there (before the business was quite done) of the plague.”

This occurred when the popular party was in power in England, and they were more execrable tyrants, more sanguinary monsters towards the Irish people than any regal government you ever had. We recollect how your government has treated Ireland. I now come down to modern times, and I ask you, do you imagine that Irishmen do not understand the financial robbery committed by the Act of Union? Do you think that they do not understand distinctly that when that union was forced upon them you owed a debt of 446,000,000*l.*, and that the Irish Parliament were not able to protect the country, at least so far that it did not owe more than 20,000,000*l.* What, then, was your union? It charged upon Ireland the interest of your debt, which, if it had its own Parliament, that debt which she owed previous to the union could not have been more than doubled. What, then, have you done for the Irish people? Mortgaged them for a debt amounting to eight or nine hundred millions. And if there be that poverty of which the right hon. Gentleman has spoken, can you discover none of the causes of it? If Ireland become wealthy, it will not be for herself; it will be for you. Do not, then, tell me, as I hitherto have been told, that the greatest blessings have followed to Ireland from the union. Who does not recollect the six hours' speech of a Chancellor of the Exchequer to prove all this? What has been his reasoning, and how has it been commented upon by the bill of the noble Lord opposite, and the statistics of the right hon. Gentleman who proved that, because we had four million of paupers, we were not qualified for the franchise? Let the hon. Member for Wakefield, remember that we are now told we cannot have the franchise by reason of our poverty; and then let me be allowed to tell you that the union cannot have been

such a blessing, when it robs men of the franchise on account of their poverty. There is another subject to which I must advert—the church. It is one that I approach with more reluctance, although I do not know why. Do you think that the people of Ireland can be content to see one-eighth of the inhabitants having a church that was established for the whole people? You have made laws upon this subject. You concurred in striking off one-fourth of its demands, and that law has been followed by a longer period of tranquillity than any you have enacted. But do you think that reconciles them to the remaining three-fourths? It does not—and I told you at the time it would not. It was only an instalment of the large sum of justice you ought to have paid them; then blame yourself for the results, which, if they be not such as you wish for, are sure to follow. You have boasted of the Ulster requisition in support of the noble Lord's bill. By how many clergymen of the Established Church, think you, it is signed? By no less than 216. There, then, is one of your arguments in support of the Established Church. You find there the names of so many clergymen calling for such a bill as that which the noble Lord opposite would give to us. For what were they requisitionists? If they came forward and asked for rights for themselves, it would be justifiable. If they came forward and sought privileges for Protestants, that were denied to them it would be not only praiseworthy, but deserving of support. But instead of that, they are coming forward to prevent Roman Catholics from having their political rights. Think of the impression that is calculated to make upon the minds of Irishmen. But, forsooth, you are excellent Protestants. Are you rational Protestants? Do you wish to spread Protestantism over Ireland? Do you desire to convert its inhabitants from the "errors of Popery?" If you do, then is it wise in you to make your clergymen the personal enemies of the Irish people? Is it wise for such a purpose as that to present to us the church as the constant obstruction between the Irish people and their liberties? Sir Thomas Buxton warned you in this House of the consequences of what you were doing. He is a pure, a thoroughly convinced Protestant, and he told you that

all Protestantism wanted was a clear stage and no favour, whereas you had encumbered it with your patronage, and ruined it by your aid. Does not this prove how truly he spoke? Again, recollect that the Irish people know this. What was your last insult to them? The Corporate Reform Bill. That was, I repeat it, your last insult. England got a Corporate Reform Bill, and again we were told that by reason of the church, Ireland could not have such a Reform Bill as England has. Every man, in every town in England, who is rated for a single sixpence, has his vote as a burgess. Why did not Ireland get that? If an Irish burgess happened to be born in Bristol, he would have the vote; but having been born in Dublin, he has no vote. Why is this?—merely because he is an Irishman? Do you think that Irishmen do not comprehend the distinction? "Lay not the flattering unction to your soul." I thought that the learned Recorder would not assail the bill; because the rating afforded an abundant mode for ascertaining the franchise. He takes up the bill and, I must say, does not show much legal knowledge on the point, in his comments with respect to it, the right hon. Member, in the debate on the Irish Corporation Bill of last year, observed that the Poor-law would afford a sufficient basis for the franchise. And now he opposes a bill which takes as the test of the franchise, being rated under the Poor-law. But what do I next complain of? It is the abolition of the 40s. freeholders. It was said, that this was in consequence of a compact. I utterly and disdainfully deny it. The 40s. freeholders were disfranchised, not because they were dependent, but because they were independent. It was determined to destroy them when they had ceased to be the serfs and slaves. They returned for Lowth, Mr. Dawson against the interests of the Forsters. They returned Mr. Stuart for Waterford, against the entire power of the Beresfords, and, in 1838, I was returned to Parliament by the 40s. freeholders of Clare. Yet the noble Lord ventures to tell me—he is a bold man; he presumes to assert as a fact—these voters were suppressed by reason of their dependency, and not by reason of their religion. Oh, Sir, I am astonished in the station which the noble Lords fill, that he would allow himself to state as a fact what is so far from the truth. When

that bill was in progress, sixty-three Irish Members and gentlemen came over to watch the proceedings. The moment the bill was introduced for the disfranchisement of the 40s. freeholders, we held a meeting at the Thatched House Tavern. I drew up a petition, which was unanimously adopted; and what was its purport? It called upon the House, if it had determined to emancipate the Catholics only on the condition of extinguishing the 40s. freeholders; it called upon them, I say, and the petition stands recorded, to reject the Emancipation Bill, rather than commit that great and monstrous injustice. And yet the noble Lord the Member for North Lancashire, ventures to come forward, and tell me that the 40s. freeholders were disfranchised by a compact, and not for their opinions, but because they were dependent. You may call that measure a settlement if you please. You may talk of it as a settlement—I care not at what side of the House. You may be pleased to style it a bargain—but it was the bargain of the man in “*Gil Blas*,” who, after stealing a purse, asks his victim how much he will give to get back part of what was his own. You may varnish over the transaction with what fine names you please, but you cannot blind the people of Ireland to the fact that you committed an unbearable outrage upon them by that proceeding. But an opportunity soon came, when you might have remedied your injustice. You had—the noble Lord had, that opportunity in the Reform Bill. And what did he do? He left—because he did not dare to touch—the existing franchises, narrow and paltry as they were; but at that season, when Parliament was giving so mighty an extension of popular power to England and Scotland, what use did it make of the opportunity for Ireland? When you ought then to have restored the old accustomed 40s. franchise to Ireland, why did you not do it? Because the same spirit prevailed then that prevailed now. Because, for the calamity of Ireland, the noble Lord opposite was Chief Secretary. At that time, I waited, in company with Sir John Newport, on the noble Lord the Secretary for the Colonies, for the purpose of representing the necessity of giving increased franchises to Ireland. We left him with the impression that he was nearly convinced. I must do him the justice to say, that he did not commit himself. But we

were so strongly impressed, from what passed, with the conviction that the noble Lord was with us, that we reported to the conference by whom we were deputed that we had succeeded. However, we were soon undeceived. The noble Lord the Member for North Lancashire, had taken care to secure Lord Althorp. We were sent for to a second interview, at which we found the noble Lord the Secretary for the Colonies (Lord J. Russell), Lord Althorp, and the noble Lord opposite himself. I will not say we were ill treated, but we were prevented from urging our claims by the perpetual interference of the noble Lord, and we came away from the interview without any doubt that we were utterly discomfited and defeated. In spite of our best efforts they refused to give us a proper Reform Bill. Are you not refusing it to us still? What do we want now but a proper Reform Bill? I heard one of the most learned and pleasing speakers that ever addressed a public assembly—the hon. and learned Member for Exeter—talk of the disfranchisement of all the constituencies of Ireland. It seemed to me most extraordinary to hear him talk of sweeping away the ten-pound franchise. He did not seem to recollect that every man having a ten-pound freehold must have at least the value which would cause him to be rated at five pounds for the poor rate; and, therefore, if his franchise was taken from him in one capacity, it would be sure to be restored to him in another. It has been said that we have made out no case for this bill. The noble Lord, whose manner is certainly excellent, for nobody is a better debater, took out a paper and read from it what he called the state of the franchises in Ireland. The noble Lord said, are not the franchises of Ireland sufficient without further extension? And the learned Recorder this evening rested the same argument on the same paper. The noble Lord said, here are very ample franchises, for there appear to be 17,000 registered in Dublin. Now what does that prove? Before the last election, I found from 12,000 to 14,000 on the register, and how many did I poll? only 3,500, and my opponents polled about 3,400. The whole number polled on both sides was no more than 7,000. That election was as closely contested as it could be. It was carried by a majority of eighty. Every man was polled on each

side that could possibly be brought up, and yet only 7,000 voters were to be found out of the nominal constituency of 14,000. And that, be it observed, was the case in Dublin, where the registry has been better watched than anywhere else. What need I proceed to comment on this palpable misrepresentation? The noble Lord founded his argument on a return dated in February, and made up before the old registry had expired; therefore every man that was duly registered appears in it. All the dead have come to lifethere. Those whose terms were expired; those who had changed their residence, and registered again; those who had changed their residence, and not registered again; those who had lost their qualification in any way, were all there. The dead, the extinguished, the duplicates, everybody was there; and when these manifold mistakes were pointed out, the noble Lord, with a theatrical air, flourished the paper, and asked why the Government should present such a document. I wish he had been in his place to hear the hon. Member for Belfast, who was candid enough—though candour was not his forte—to admit that the paper was a perfect fiction.—"Fictitious" was the word he used, but the learned Recorder still used the paper with as much countenance as he could possibly assume. I cannot be shaken from calling upon the House to see whether we have got the franchises we ought to have. Let me remind you that the limited franchise was not the only injustice of the Reform Bill. There was another most crying injustice; you remodelled the constituencies of England, and you added to the county Members. To every county in England having more than 100,000 inhabitants you gave more than two additional Members. How did it happen that to no one county in Ireland did you add a single representative. Oh! your foreign relations have been talked of,—you may want us to join you in battle; we have joined you in battle before, and I hope we shall join you again. You want us to share in your burdens. As far as that poverty which you have created will enable us we do so. You talk of union, but what is union without identification? If we have union, why should we not have assimilation? Now, when you were giving the additional Members to the English counties, on what principle did you proceed? Did you go upon an estimate of

property? Did you investigate the value of estates, and enquire how much land was worth? No; you took population as your basis, and population alone. But when you came to Ireland you rejected it, and refused her franchise because you said her population is poor and wretched. Do you think there is not enough of common sense in Ireland to appreciate the insult contained in that proceeding? Now I would call the attention of the sober and thinking people of England, who are free from the bias of national hate or religious bigotry—I would call the attention of the hon. Member for Wakefield, notwithstanding the miserable conclusion to which he had arrived, to the contrast between the treatment of England and that of Ireland in the distribution of Members by the Reform Bill—I would tell him that Cumberland, containing 126,681 inhabitants, received two additional Members, and has now four Representatives in Parliament, while the county of Cork, with a population of 713,716, having but two Representatives before the Reform Bill, did not receive one additional Member. Yet the additional Members in England were given on the basis of population. Northampton, with a population of 179,276, received two additional Members, and has now four Members, while Down, with a population of 337,871, had but two before, and has only two still. Leicestershire, with a population of 192,276, received two additional Members, and has now four, while Tipperary, with a population of 380,598, did not receive one additional Member. Wiltshire with 239,181 inhabitants, received two additional Members; while Tyrone—Protestant Tyrone—did not get one. The injustice of all this is infinitely more strong and glaring when we recollect that Scotland, with her 2,365,807 and forty-five members, got eight additional Members; while Ireland, with her eight millions, had an addition of only five. Remember, too, that Wales, with one-tenth of the population of Ireland, got an increase of four Members. If you call this Union, I ask is it a Union with which I, as a lover of liberty, and insisting upon a perfect equality with you, ought to be content? The people of Ireland are not, and ought not to be satisfied with it; but you will render it even more and more unendurable if you throw another poisonous ingredient into the cup—if you vote a Registration Bill, framed

for the destruction of the remnant of our franchises. Consider what a fact this is—Wales with 800,000 inhabitants, has twenty-eight Members; Cork county and city and boroughs, with nearly a million, have but eight Members. There is but one magic in politics, and that is to be in the right. We have it here, for we have the opinion of all thinking men with us. Well, I come to our difference, compared with the smaller counties. Rutlandshire with 19,815 inhabitants had, after the Reform Bill, 1,296 electors, and in 1840, 1373; Longford with 112,558 inhabitants, or five times the population of Rutland, had 1294 electors after the Reform Bill, and in 1841, it has only 949. It has been reduced one-fourth since the Reform Bill. Indeed, I feel some gratitude to the noble Lord—not for his intentions, but for his not leaving the franchise to extinguish itself. Small as it was, it was diminishing and dying out, and might have been destroyed, if the people of Ireland had not been roused by the attack of the noble Lord. He has summoned them to the field, and he will not find them backward in the contest. I might add to the instances of inequality and injustice which the comparative situations of the English and Irish counties furnish; but why should I detain you longer? I have adduced the most unanswerable proofs of the enormous extent of your franchise, and of the miserable deficiency of ours. But property, forsooth, was the principle of the franchise of the Reform Bill. If it was, on what principle did you disfranchise boroughs? On the principle of population alone. On what principle did you enfranchise the new boroughs? On the same principle of population alone. You used the principle of population for the disfranchisement of the old boroughs, and the enfranchisement of the new ones. You used it when it suited your purposes, and then you turn round to the people of Ireland, and tell them they shall have no advantage from it. We represent our numbers, and your answer is that we are poor. If we are, we are the more in want of Representatives to protect us. Who wants Representatives so much as the man who is least able to help himself? But is this your account of the benefits we have derived from the Union? The Union has lasted forty-one years, and do you tell us we are too miserable to exercise the rights of freemen? Forty-one years of Union

with you have left us so wretched, that we are too poor to be entrusted with franchises. It may be said, it has been said, that this bill may be extended to England. I shall be heartily ready to support such extension. I claim no right for myself which I am not ready to extend to others. Having something more to say, I dislike to enter on the question as to how the franchise should be rated, but I shall say a word on the definition of the franchise. The noble Lord opposite, as every one knows, has left us perfectly at sea as to any definition of that which is to be registered. He proposes a bill full of complicated clauses for the registry of the franchise. But he does not dare to tell us what the franchise is. He would have us make a machine without knowing for what. He goes to great trouble for the legislative arrangement of something, but will not tell us what it is. The hon. Member for Exeter, indeed, seemed to think it perfectly clear. I have a great respect for the hon. and learned Gentleman. There is a fascination in his eloquence which could only spring from a union of the most eminent talent, with the kindest disposition. I say it not in compliment, for why should I compliment him, that he appears to have that combination, so rare amongst lawyers, of the highest qualities of an advocate and a judge, but I cannot assent to the opinion which he has expressed of the meaning of the franchises created by the Reform Act. Let me take this opportunity of correcting a mistake of the noble Lord, the Member for Northumberland, who attributed to me an opinion which I do not hold. In my opinion, the beneficial interest is the worth of holding, after deducting the labour of cultivation and the capital employed in it. Therefore, the produce of man's own labour is no ingredient in the beneficial interest. What was the state of the 10*l.* freehold franchise, as created by 10 Geo. 4*th.* and confirmed by the Reform Bill? In seeking the meaning of the Reform Bill, I shall not look to the debates upon it, for it is quite clear that the reporters understood nothing of the subject of the franchise. In a similar clause of the Reform Bill, the franchise is mentioned three times. There is first a sixty years' beneficial interest of the clear yearly value of 10*l.* It goes then to a term of fourteen years, for in the Reform Bill you will find that term, and there it requires a bene-

ficial interest of the clear yearly value of not less than 10*l*. The 10*l*. franchise is repeated three times, and could have no other meaning than that I attribute to it. Then next there is trial at the Sessions. The act directs the assistant-barrister to inquire into particulars of title, and also to inquire whether the claimant is also a solvent and responsible tenant, who could afford to pay the sum of 10*l*. over and above his rent. Here, then, is the solvent test expressly stated. I come then to the section in the Reform Act, and there I find the party must make it appear, that he has property of the value in the act mentioned. If the framers of the act had not meant differently, why not repeat the same words? If they meant differently, they would change the words, and that they have done. I will despatch this part of the subject as fast as I can. Again, a party is required to prove upon oath, and the assistant-barrister would inquire whether a solvent and responsible tenant would become bound to pay 10*l*. more than the party in possession. That is by the Emancipation Act. The words are rejected in the Reform Act till it came to this, namely, whether the property is of the value and nature hereinbefore described. The same was said of the beneficial interest, whatever meaning may be attached to it. I feel that I could convince any man of legal knowledge—I have not the least doubt if the hon. and learned Member for Exeter was upon the bench, I could convince him that it was impossible that the Legislature could make a change in the words of an act without intending something by it. A man is obliged first to swear that he had a clear profit of 10*l*. a year in his freehold, and he is bound further to add, upon oath, that a solvent and responsible tenant could pay 10*l*. a year more. That is the oath in the Emancipation Act. What is the oath in the Reform Act? The first part, and that only is required, namely, that the party should have 10*l*. a-year. The second part is totally omitted from the oath, and why is it omitted? Will you say that it is a mere repetition in the first oath? Will you say it is because it was thought unnecessary to swear twice the same thing? I say that he does not swear the same thing. He manifestly did not, he swore a very different thing. In the one oath there is an important member of the sentence altogether omitted.

I think it but right to vindicate the Irish judges—the minority, and now, I believe, the majority—against the repetition of the accusations brought against them. Is it not manifest that any man who brings in a reform registration bill without reform, and without defining the franchise, leaves the conflicting points to be defined as the judges think right? The opinions of Chief Baron Brady and of Judge Crampton have been read publicly, and they are opposed the one to the other. I ask is that proper? Is it conducive to the due administration of justice? And yet the noble Lord opposite wants to preserve those inducements that prompt men to assail judges of the character of Baron Richards and Chief Baron Brady. Would to Heaven that we had such good judges on the bench as the hon. and learned Member for Exeter; and I call on that hon. and learned Member to attend to this:—The right hon. and learned Recorder for Dublin has read the opinion of Judge Crampton; and in that opinion that learned judge said there was nothing but an air-drawn and ill-defined distinction between a meeting of the judges in the Court of Exchequer Chamber, and a meeting of the judges to consult upon a point upon which a brother judge might wish to consult them. Is there not this distinction, that in the one there is a writ of error from the judgment, and in the other there is no appeal. And yet this Judge Crampton, the Coryphæus of the party opposite, takes this most extraordinary view of the matter; but I do not wonder at it, for he is at the very bottom of all the disgraceful scenes that have occurred among the Irish judges. Why, otherwise, in opposition to his brother judge, Baron Richards, talk of this important difference as an air-drawn, imaginary distinction: With all respect to the hon. and learned Member for Exeter, it is a mockery to say that the judges should be bound by Judge Crampton's opinion. "Oh, but," it will be said, "this is the opinion given by the majority of the judges." If an appeal is made to a single judge, he is bound to give his opinion upon oath; but in this case there was not even an appeal to the twelve judges. Were they sworn? I would not give the judges such power: and why? I heard the noble Lord the Member for Northumberland say that in his opinion, and he is no small authority on constitutional questions, it is unconstitutional for a mi-

nority of the judges to resist the majority. I ask the noble Lord this: Has the Reform Bill given an appeal to the twelve judges? If it had, would it not have gone farther, and would it not have given an appeal to the House of Lords? And what would be the consequence if they had given an appeal to the twelve judges? They could not leave the franchise of this House and of the people at the mercy of the judges without giving an appeal to the House of Lords, and they could not do that in such a case as this, for they could not leave the franchise at the mercy of the other House of Parliament. Thus the ultimate decision can never arise in such a case. But I am told that Frost's case has decided the point. I believe, and I feel bound to state my belief, that the conviction of Frost was contrary to law. I know that he was guilty of a most heinous crime, but I am bound to say, that I was not satisfied with the manner in which his trial terminated. I think that every man who is tried for his life has a right to appeal to the judges who preside at his trial, and the opinions of those judges, if in his favour, just as much as the opinions of the jury, entitle him to an acquittal. In Frost's case the judges who presided at the trial were favourable to the prisoner, and yet the conviction against him was confirmed by the majority of the whole of the judges. Let me not hear, then, of Frost's case, as a case in point. I dispute it altogether. It may as well be said, that every madman ought to be hanged, because Bellingham committed an atrocious crime. I heard with great surprise, the right hon. and learned Member for the university of Dublin, talk of a judge being bound by the decision of the twelve judges in civil bill cases. I know that Judge Jebb held a doctrine directly the reverse—a doctrine which he laid down in the celebrated case of *Franklin v. Hewson*. That learned judge there, said, that he did not feel himself bound by the majority of the judges, because he came to them merely for advice upon a matter not coming before them judicially. No man is bound by the opinion of the entire twelve judges in this country; he has an appeal to the House of Lords, and if you carry out to its legitimate extent the principle of the minority of the judges binding the majority, you must go farther, and place in the hands of a Tory majority the power of deciding upon the franchise

of the Irish people. I laugh to scorn the idea that this species of courtesy of a minority submitting to a majority is to fritter away the rights of the subject, and to take away at the same time the power of appeal to the dernier resort. I would remind the noble Lord, the Member for Northumberland, that one of the atrocities by which a dynasty forfeited its right to the Crown of this country, was a private consultation with the judges. I now respectfully call upon the House to grant the franchise demanded by the Irish people. I say that you will be only fulfilling the intention of the Reform Bill. I have the authority of a gentleman who stated that he intended to vote against the present bill, that the franchise in Ireland ought to be increased. I have the authority of common sense and reason, and of every principle of justice, that the people of the United Kingdom ought to be placed upon a footing of equality. I ask you to do justice. I have shown that you have committed grievous crimes towards Ireland. The hon. Member for Cavan, whom I respect, for he has an excellent private character, and I only regret that he has thrown his own worthiness into an unworthy scale—has told us that the party to which he belongs, and he really seems to be among them, not of them, has been making concessions for the last fifty years. I say they have made no concessions. By the treaty of Limerick, you betrayed your honour; and you betrayed the Catholic people of Ireland, first, by inducing them to disarm, and then by making them slaves. When did you take the first step towards emancipation? Not till 1778. And why did you then commence this tardy act of justice? It was because Burgoyne had surrendered at Saratoga. You refused to conciliate America, and you talked to the Americans as you now talk to the Irish people. But you learned wisdom: you began emancipation. You lost America by refusing to conciliate, you preserved Ireland by conciliation. But I will go back to within the fifty years described by the hon. Member for Cavan; I will go back to 1792, when only one Member of the Irish House of Commons could be found to lay upon the Table of the House a petition from the Irish Catholics, couched though it was in the most temperate language. And was the petition allowed to remain there? No; Mr. Latouche, the Member for Kildare, moved its rejection, and it was actually

kicked out of the House. Before the termination of that very year, in November, they passed the act, which allowed Catholic barristers to practise in the courts. In 1793 they went on, and granted a more liberal degree of emancipation. When you talk of the ingratitude of the Irish people, I ask, did you not, when you lost America, preserve Ireland from France, through the gratitude of the Irish people? And let me tell you that the Irish people might have had formidable auxiliaries if they had chosen to attempt a separation of the two countries. One of the greatest blunders ever committed by that splendid madman, Napoleon, was his disbelief of the power and number of the Irish. The Irish delegates convinced him that the Irish would receive his troops with open arms, but he never would believe that they amounted to more than 2,000,000. Fortunately for Ireland too, more so, perhaps, than for England, the infidelity of the people of France secured the support of the priesthood of Ireland. I agree with the hon. Member for Limerick that those priests, oppressed and insulted though they have been, if there was an invasion of Ireland to-morrow would be the foremost in sending their flocks to battle against the invader. When I say this, do I say it from any progress that has been made in the spirit of conciliation? Far from it. Almost every day furnishes additional insults. Have they not been called a demon priesthood, and surpliced ruffians by the journal which boasts to be the organ and leader of the party opposite? Summon M'Neil of Liverpool, Jezabel M'Neil with his petition containing 27,000 signatures against the rights of the Irish people; he is your leading orator, honest Jezabel M'Neil, and he will tell you, that the priests of Ireland are surpliced ruffians. But I tell you, do not fear. Fear, did I say? When did Englishmen fear? They never did fear. It is not a characteristic of their country. They never flinched. They would persevere in the fight as on other occasions they ever had. Who has not heard of the field of battle where 36,000 men lay dead? but then both parties were English. Therefore, think not, that I threaten, but I advise, and if circumstances of a threatening nature should arise, do not blame me; I only utter facts. How long are you to have peace with France? As the hon. Mem-

ber for Pontefract (Mr. Milnes) has observed, we are at present in a state of armed peace. What is that but a state of war without its glory? Are you not, then, in a state of armed peace with France, and is there not in France, at this moment, an army of 500,000 men, with a reserve of 132,000 men, and 300,000 of national guards? Do you think, that such a people as that of France will be contented to bear with these great but useless armaments? No, they are watching you, and remember they think they have suffered humiliation at your hands. There is, then, danger of war. I do not say, that there is danger to this country, but would it not be well to have Ireland on your side? Again, are you at peace with America? There is a quarrel about Mr. M'Leod which I hope is or will be settled, but there is another quarrel about the boundary, and that is in this predicament. Both parties are now bound. You were wrong at first, but you are right now, and, therefore, you cannot concede, and the people of America will not, I am afraid, concede, for they are in the wrong. There is, therefore, a possibility of your being engaged in war. Did you read in the American papers of last week a complaint, that there were 24,000 Irish labourers within a week's journey of New York? It is your business as statesmen to recollect these things. I ask, if you were at war with France or America, would the noble Lord presume to bring in this bill? I call upon you to secure yourselves against the disgrace of having a war forced upon you. With the natural force of the empire properly combined, you may resist the world in arms; I say, then, do not set the Irish people against you. The people of Ireland feel, that this is a contest for their country and their religion. Look at what has taken place in Prussia—look at what has taken place in the Netherlands. The monarchs of those two kingdoms have wisely adopted the principle of equality amongst their subjects of all religious denominations. I want you to take example by Prussia. Let the people of Ireland know and feel that all distinctions are efficiently and really at an end. Show them that neither religion nor poverty shall deprive them of their rights. Identify them with yourselves. Refuse to take the course recommended by the noble Lord opposite, for I prophesy that if you do you are Repealers

more than I. I tell you that this additional insult will rally round the banner of repeal not only almost all the middle classes, but the gentry of Ireland. I tell you, it is ridiculous to be sure, that I was very urgently pressed to propose the noble Lord opposite (Lord Stanley) as an honorary Member of the Repeal Association. I felt the noble Lord's claims, I acknowledged his merits; and had I not considered it would be mixing up too much of the ridiculous with a very grave matter, the noble Lord would by this time be an honorary member of the Repeal Association. You talk of violence: while I live no violent measure can be taken; the Roman Catholic clergy, the best magistracy you have in Ireland—an unpaid magistracy—will second my efforts, and you will have no rebellion in Ireland. Even despite the worst Orange oppression, the people of Ireland will not violate the law; but the universal voice of that people is against the measure of the noble Lord opposite, and I trust that it will be listened to by all the good, just, and generous people of England. The hon. and learned Gentleman proceeded to say that the right hon. Baronet opposite, in quoting an alleged statement of his (Mr. O'Connell's) on the previous evening, had utterly misrepresented what he had said. The right hon. Baronet, as it would appear from the newspaper reports, had made him say that his reason for refusing the office of Chief Baron was, that he did not wish to pollute the administration of justice in Ireland; but what he had really said, so far from intimating a distrust that he should exhibit a partiality towards persons who were of his own opinions, was, that he feared lest his desire to be impartial might lead him to lean rather in favour of those from whom he differed. The noble Lord opposite would have no such refusals if he came into office. Anything bearing upon impartiality came with singular effect from hon. Gentlemen opposite, while the man who differed from their party in politics did not dare to travel along their roads in Ireland, not even in civilized Ulster. If hon. Gentlemen wanted a proof of this, let them take it from this account, from the *Newry Examiner*, of the outrage which had been offered to him, and for which outrage no man had been punished. He stated the case as a mere matter of fact bearing on the question, and it ran thus:—

"DROMORE PETTY SESSIONS—WEDNESDAY.

"Magistrates presiding—Rev. Elgie Boyd, D. Lindsay, and —. Dolling, Esqs.

"James Marron, an inhabitant of Dromore, charged sixteen persons whom he had duly summoned, with riot and assault, committed on the 18th of January.

"The circumstances of the case, as they came out in evidence, were as follows;—A large mob, of between 400 and 500 persons had collected in the town of Dromore, early on the 18th of January (the day on which Mr. O'Connell was expected to pass through, on his way to Belfast), many of them armed with fire-arms. [He (Mr. O'Connell) should like to know whether these arms were registered.] There were also posted on the walls placards of an insulting and inflammatory kind.

"On finding that Mr. O'Connell had passed through on the previous Saturday, the crowd got an effigy made which they carried on a pole to a place called 'The Round Hill,' close to the road on the Newry side of the town; and hung up the effigy there. They then discharged their fire-arms at that, having been disappointed of the man himself.

"While the Orange mob were so employed, the complainant, a Catholic, who was out in that direction, advanced to the crowd, when he was instantly assailed with cries of 'To hell with the Pope!' and other such language, which was followed up by some of the mob striking him. He then left the field and went into town, followed all the way by the mob, who continued pelting him with stones and sods until he got into a house in the town.

"One man, named Reynolds, was taken up by the police in the course of the day with a pistol concealed in his pocket. Several other assaults were proved to have been committed upon such Catholics as were foolish enough to leave their houses on that day.

"After an investigation of more than three hours' duration, the complainant's informations were taken against five of the persons charged, who were accordingly held to bail to take their trial at the ensuing quarter sessions. Their names are John Gowdy, Jeremiah Meany, Samuel Meany, John Meany, and James Dobbin.

"About six of the others were bound over to keep the peace for two years."

These were the civilised Ulster men, the northern petitioners, the supporters of the noble Lord, and whom he must support in return. Then, again, there was the case, where, in the presence of the gallant Member for Armagh, and in spite of all his efforts, within the last three years, the town of Maharagh was wrecked from one end to the other, and the houses and property of the Roman Catholic inhabitants destroyed, themselves being obliged to fly to save their lives. For this outrage how many had been punished? Not one; yet

it happened in noon day, and in the presence of the gallant Member, and was committed by the party to whom the hon. and gallant General belonged. These were the flower of Ireland, the civilised men of the north! Were these the only unpunished outrages? Not by very many. In 1835, five or six Roman Catholic children in the county of Monaghan, at a place called Mollyash, were fired upon, and two of them shot, but not a single individual had been punished for the outrage. To descend to minor offences, he found the *Fermanagh Reporter*, itself an Orange journal, lamenting the system of assailing respectable Roman Catholic residents in that neighbourhood, "who were attacked and dreadfully beaten by mobs, merely on account of their religion."

"We regret to state," said that journal, "that an inoffensive and respectable Roman Catholic inhabitant was set upon by some ruffians on last fair night in Darlington-street, Enniskillen, and, but for the opportune arrival of head constable Nolan and a party of the constabulary, would have suffered great bodily injury. They fled on the approach of the police, and escaped in the dark. Same night, in same street, an aged gentleman, also a Roman Catholic, with a child by the hand, was brutally knocked down, and his ear split in three places from the blow of a bludgeon."

Was the House aware that only in four counties in Ireland was there a majority of Protestants? That in the province of Ulster there was a majority of 116,000 Roman Catholics, while in the county of Clare, with 286,000 Roman Catholics, there were only 5,000 Protestants. He might, perhaps, be accused of using high and seditious language, but he trusted that he had spoken as became the representative of Ireland. He stood here to warn the House of events which threatened, and the House could prevent his discourse from having any unhappy results if they pleased; it was their own fault, if any future possible humiliation resulted from this evening's proceedings. But this he would declare, once for all, that he would never allow his countrymen to have less rights and privileges than Englishmen. He would persevere, by every means within the law and the constitution, in his struggle for the rights of himself and his fellow-countrymen. Let them grant this bill, and they take away much of his present influence. He asked the House to disarm him of his power. But if they refused to do so—if they refused to pass

this bill, they would be arming him with tenfold power, because they would put the right on his side.

Sir R. Peel then rose and said: I certainly cannot perceive the justice of the compliment which the hon. and learned Gentleman has just paid to himself, that he spoke in the tone and temper worthy of the representative of the Irish people; for any tone and temper more unworthy of that people I never heard displayed in this House than by the hon. and learned Gentleman in the course of his speech. I do not complain of the high tone taken by the hon. and learned Member, but I do complain of the apparent delight with which he gloated upon the recital of past animosities between the two countries. But (addressing himself to the hon. and learned Member for Dublin) you have met with no sympathy; not because the House is indifferent to the welfare of Ireland—not because it underrates your abilities, or would wish to treat them with disdain or disregard—but because there are not ten men in this House who could bring themselves to respond to the efforts which you have been making to keep alive that past exacerbation of feeling which all must so much deplore. I ask you, what use it is to dwell upon the history of past contests and oppressions, as you call them, of seven centuries' date; what use in referring to times when, as you say, the head of a wolf was worth as much as that of a priest? But the hon. and learned Gentleman says, that the same spirit and the same system of Government and legislation, with regard to Ireland, continue to the present day. I ask the noble Lord opposite, who is the leader of this House, and I ask the noble Lord the Secretary for Ireland, do you believe that this is a correct representation? You threaten us also with the alienation of the Irish people in times of growing difficulties and danger from without. Again, I think that here you hold language unworthy of that people. I believe that you are libelling your countrymen when you insinuate that they would not join us in repelling the attacks either of France or America, if by any misfortune we should be involved in a quarrel with either. Sir, I have heard in the course of this debate a speech more generous, and I think more just, in regard to the feelings of the people of Ireland, from an Irish, from a Roman Catholic representative,

who, indignant at the attacks which were last night made upon the character of his fellow-countrymen, attacks which derived additional force from the station of the men by whom they were made, declared his opinion that, whatever might be the present temporary quarrels about registration, or the franchise in general, the Roman Catholic priests themselves would be the first to rally round the standard of England, making common cause with her, in case of foreign aggression. I hope, Sir, that the right hon. the Secretary at War, who last night, as indeed was his duty, touched upon this subject—I hope that the right hon. Gentleman the Vice-President of the Board of Trade—I hope that the hon. and learned Member for Liskeard, who last night attempted by menaces to extort concessions from us against our reasons and convictions, has listened to that speech. I hope that hon. Members opposite have well considered to what purpose this concession, urged upon us by the menaces of the hon. and learned Members for Dublin and Liskeard is to be made, I hope that they will consider after the candid avowal of the hon. and learned Member for Dublin, what part it may be necessary for us to take after having put this additional means of power into his hands, by which in the course of the next session he may ask for some new concession as the price of peace. I give credit to the hon. and learned Gentleman for his candour on this point—the only credit I can give him. He tells us, at the conclusion of his speech, that if we give him this concession we shall disarm him of much of his power; but what was the whole tenor of the first part of his speech? Did he not tell you, true, you have made a sacrifice of one-fourth of the revenues of the Church, but you cannot hope for any advantage from this concession till you have given up the other three-fourths also. And whilst he dilated upon the history of the miseries and wrongs of seven past centuries, did he not appear to have imbibed all the rancour of those very times, and with words of peace on his lips did he not give such decisive proofs of an intolerant spirit as, perhaps, was never heard from any one else in this house. The hon. and learned Gentleman complained of it as if it were a crime that the clergymen of the Church of England should have petitioned the House upon this subject; but did not the hon. and learned Gentleman himself begin his

speech by referring to the petition of a vicar-general of a Roman Catholic diocese. Surely if a Roman Catholic vicar-general might urge his political views upon this House in matters not immediately affecting his calling, may not the same privilege be extended to ministers of the Established Church, who, having already made a sacrifice of one-fourth of their revenue, and hearing that that sacrifice had done nothing towards the purchase of peace, but that the other three-fourths were now demanded in addition, was anxious to state their opinions on the subject. The hon. and learned Gentleman also complained of the attacks made upon judges who concur with him in his view of a beneficial interest, and five minutes had not elapsed after making this complaint, when the hon. and learned Gentleman himself fell into the same unfortunate mistake with regard to those judges who differed in opinion with him, and went so far as to declare that one of these judges (Mr. Justice Crampton), was at the bottom of the degradation of the Irish bench, but to quit these subjects, and turn to the matter immediately before the House; Sir, if the extension of the franchise be just—if it be consistent with our past engagements, with the circumstances of those great legislative enactments which gave emancipation to the Roman Catholics, and settled the foundations on which that great measure was to rest—if it be really for the special welfare of Ireland, let us forget the inflammatory language of the hon. and learned Member, instead of remembering those declarations which always seem intended rather to discourage than promote conciliation. Let us, I say, forget these, and do that which is just in spite of the advocate. But if, on the contrary, it be proved that the rejection of the measure will be of advantage—if you are satisfied that it will disturb, perhaps overturn, the settlement of the constitution—if you think that it will not contribute to the real independence of Ireland, and to the social welfare of that country—then I say do not pass it, and do not hope that by passing it under such circumstances, you advance the cause of conciliation in Ireland. When I hear that the hon. Member insists that the diminution or rather the want of an extended representation is a great injury to that country. The hon. Member used these words: “It is not only an injury, but an insult, to the

people of Ireland, to restrict them to 105 Members." What were the expressions of the hon. and learned Gentleman? Why these. "It is natural that you, who have hated and injured us, should continue to hate us." These were the expressions of the hon. and learned Gentleman; but, however true they may be, they do not apply to me, for I had no part in passing the Reform Bill. The noble Lord opposite undertook that measure, and to him those expressions must be considered to be directed. If it be an injury and an insult that Cork should have only two Members whilst Cumberland has four, and that Down should have only two Members whilst Northamptonshire has four—if this be so, would it not be wise that we should consider the whole question, and not attempt to make those partial concessions against our reason and conviction that they will produce peace in Ireland. Let us consider if those concessions are just; and, if they be so, let us consider them together, and not give a partial concession to the hon. Member as an instrument to enable him to obtain the rest of what he demands. I ask the right hon. Gentleman the Secretary at War, whose duty it is to warn us of those intentions,—suppose that our foreign prospects next year should be more clouded than they are at present, and suppose that the hon. Member for Dublin comes forward with a notice to extend the representation of Ireland—suppose the hon. Member says, "Unless you give me what I ask, then I threaten you with the danger of the repeal of the union," would the right hon. Gentleman then come forward and tell us of the peril that might arise from refusing to conciliate the Irish people as an argument why we should concede the demands of the hon. and learned Member? The hon. Member for Liskeard had alluded to the state of Ireland, and said that, though there was not actual insurrection, yet that by the device of the hon. Member insurrection was always prepared. The hon. Member used an expression which I confess I heard with feelings of disgust. He said, "This was not one of votes but of arms." Will the hon. Member second the demand for an increased representation as a question not of arms, but votes? Will the hon. Member for Dublin promise that if these concessions are made he will abandon all future schemes of agitation? Will he part with that admirable device by

which, according to the Member for Liskeard, he keeps the country in a state of smothered insurrection, and prevents the importation of capital into that country? Or will the hon. Member accept the compliment of the hon. Member for Liskeard, that he has devised an instrument for keeping the country in a state always ready for insurrection? As I said before, if this be a measure of justice,—if it be calculated to promote the welfare of Ireland—let us not be deterred by the menaces used by the hon. Member; but let us consider whether the measure in question be consistent with our past engagements, and whether it be calculated to promote an independent electoral body in Ireland, and to promote the welfare of that country. Let us consider it calmly and deliberately, free from the influence of intimidation. Let us consider what the real nature of the proposition is. Can you deny that your proposal goes to subvert the existing representative system in Ireland, and to place in its stead an entirely new representation? In place of the present franchise in Ireland you propose a franchise to be fixed upon a rating of five pounds. In England the franchise must be above all rents and charges, but in Ireland you do not propose to attach any such condition to the franchise. The mere rating of the freeholder is to be sufficient to give him a right to vote. You propose a leasehold franchise of fourteen years, for which you require nothing more than a rating of five pounds to the poor. Of course residence is not required—all that is required is occupancy. This franchise is much more extensive than household suffrage, or than the old scot and lot franchise which you have abolished on account of the corruption to which it led. It is not necessary under this bill for the freeholder to pay one tax, it is not necessary that his property should be liable to the payment of the poor-rates, for, though he may be chargeable, he is under no obligation to pay anything. The leaseholder is exempt altogether from any obligation to pay rates. You have reduced the franchise arbitrarily from 10*l.* to 5*l.*, and have you assigned any reason for so doing? My hon. Friend the Member for Belfast has shown you, in a manner not to be disputed, that the effect of your bill would be to raise the constituency of Belfast from 2,000 to upwards of 6,000 just treble what it is at present. It is not

my intention now to enter into the details of this question. I do not intend to say one word with respect to the beneficial interest or to the solvent tenant test. I shall reserve that discussion for the occasion when the House will have to consider the bill of my noble Friend, and then I shall be prepared to enter into the details of that bill. On the present occasion I will not permit myself to be diverted from the consideration of the defects of your measure by being turned into the discussion of the clauses of the bill of my noble Friend. On the introduction of this bill, the main argument on which you relied for its vindication was the defects of the bill of my noble Friend. You did not produce one single argument in defence of your own measure—I did not hear anything to convince me that in consenting to pass this measure we should consult the real independence and promote the social welfare of Ireland. Now, that nothing I say may lead to misconstruction, I beg at once to state that I am willing to admit that the present mode of defining the franchise is unsatisfactory, and that I could wish a more satisfactory method were adopted. In the next place, I am willing to admit that I think the evil which is inseparable from a doubtful franchise is greatly aggravated by the unfortunate differences on the subject which now exist among the Irish judges. Sir, with whom the blame of that difference rests I will not now stop to inquire; I will hold the motives of the Bench in respect; but, for my own part, I am thoroughly convinced that the intention of the Irish Reform Bill was to adhere to the franchise prescribed in the Act of Emancipation. There may be just grounds of difference between the two sides of the House on this point; but this I say, that it is particularly unjust to load my noble Friend with calumny, and to object to his bill, because he has not introduced into it any new definition of the franchise. It is not just to say to him, "You shall not cure the admitted evils of Irish registration until Parliament can agree on a definition of the franchise." Still more monstrous and unjust is it in you to say, "We will not allow you to cure the imperfections of Irish registration unless you consent to subvert the principle of the Reform Bill." It is admitted—I cannot have a stronger sentence to prove it than that which fell from the hon. Member for the Queen's County—(Mr.

Fitzpatrick)—an intelligent Irish gentleman, one interested in the welfare of his country, and, moreover, one knowing the evils of Irish registration—that those evils are of a very aggravated character. What said that hon. Member yesterday evening? That nothing could be more disgusting and demoralising than the present system. Thus, these evils are admitted on all hands, and yet for five years has the Government left us without a remedy. My noble Friend has at last come forward with a remedy. What is the conduct of the Government and their adherents? Do they consent to consider the suggestion made them? Do they evince a disposition to enter upon a course of legislation that should remedy the abuses they admitted to exist? Far from it. In the first place, they take a preliminary objection to the remedy proposed to them—then, they attached to it an impossible condition, and, finally, said, "You shall not cure these evils—you shall not put an end to the frauds that are admitted on all hands, unless you consent to subvert altogether the Irish Reform Bill." I say that this is manifestly unjust. Reserve your objection to my noble Friend's bill if you please, oppose it on the second reading, or in committee, but do not attempt to defeat it by a measure like the present. If you think my noble Friend is attempting to restrict the franchise, resist that attempt. You succeeded in resisting it last year. If you think you can substitute a better tribunal than that which my noble Friend provides for the appeal suggest it, and my noble Friend, who has declared that he is not wedded to the tribunal mentioned in his bill, will, if you can show it to be more independent and impartial than his, adopt it. But you refuse to consider his bill altogether, and, to defeat it, you bring forward another bill defining the franchise, but defining it in a way which you cannot hope will meet with the approbation of the House. What was the definition of the franchise you offered before this? The beneficial interest. And what is the opinion of the hon. Member for Carlow (Mr. Gisborne) as to the demerits of that definition? He describes it as the most imperfect and unsatisfactory of definitions. That is the description which one of your supporters gives of your imperfect attempt at legislation. Last year a motion was made on your side of the House to have an instruction

agreed to before the passing of my noble Friend's bill for the definition of the franchise. Who opposed that motion? The noble Lord opposite, who divided against the instruction, on the ground that the matter required serious consideration, that he had not sufficient evidence on the subject, and consequently, was not in a condition to define. I ask you, in what better condition are you now? What have been the results of subsequent deliberation? Why, the production of evidence that the rate now proposed is insufficient, and cannot be relied on; and yet the noble Lord will not permit my noble Friend to remedy the evils which all acknowledge to exist, unless he consents to pass a bill founded on documents which only tend to prove the test proposed in the bill now before the House are insufficient. Sir, I omitted to state that not only is the test imperfect, but the noble Lord makes a complete revolution in the franchise—a change which, in England, would destroy the freehold franchise altogether. Not only does this bill provide a test that is imperfect, but it abolishes altogether the test of profit derivable from the freehold. It takes no evidence whatever as to whether the man who possesses a freehold derives any profit from it. And that is the nature of the measure to which you require our consent. I could not deny that in Ireland it would amount to a complete subversion of the Reform Act. I ask whether this franchise—worse than the scot and lot franchise, more extensive than the household franchise—be consistent with the public engagement into which the House entered when it consented to relieve the Roman Catholics from the disabilities under which they had previously laboured? It is true that there was no written engagement with the Roman Catholics upon the subject. The Roman Catholic Relief Bill was passed without any communication with the Roman Catholics of Ireland; no compact was made with them to prevent them, if they thought fit, from agitating the question of an extended franchise. But there may be compacts—unwritten, unrecorded, perhaps unmentioned—which had all the force of public engagements. I am sure the noble Lord will not deny that there may be such compacts, although they may not have been reduced to writing. The noble Lord the Secretary for the Colonies, will not deny that there are compacts by

which public men should be bound, and which Legislatures treat with respect if they wish to obtain confidence in their proceedings. The language which the noble Lord held at the passing of the Reform Bill was this. He quoted the declaration of Lord Althorp and Earl Grey with respect to the English Reform Bill. In November of the year 1837 he said—

“I do not say, that the people of England are precluded from reconsidering the Reform Bill if they think fit; but I am not myself going to do so. I think that re-entering into the question of registration so soon would destroy the stability of our institutions. It is quite impossible for me, having been one who brought forward the measure of reform, who feel bound by the directions then made not to take any part in these large measures of reconstruction, or to consent to the repeal of the Reform Act, without being guilty of what I think would be a breach of faith towards those with whom I was then acting. The people of England may place others in my situation, but they must not call upon me to do that which I not only consider unwise, but what I should not feel myself justified in proposing without a breach of faith and honour.”

I quote these words of the noble Lord for the purpose of demonstrating that, although it may be competent to Parliament to revoke and repeal a solemn act like the Reform Act, although there may be no existing written pledge against such a procedure, yet that there may be circumstances under which public men, having obtained the acquiescence and consent of a large mass of the population—having made concessions on the one side and compromises on the other, and having conciliated support towards the passing of a particular measure—there may be circumstances, such as these, under which public men might feel a positive obligation, not merely from personal motives, but from a sense of what is due to the public interest, to adhere to engagements and promises, not written, not formally recorded, but distinctly given, and confidently received. Now, what were the circumstances under which I brought forward the Catholic Relief Bill? Sir, history is fast asserting her rights, and it is hardly necessary now to observe that delicacy which, under other circumstances, should be observed as to the communications between Ministers and the Sovereign. It is perfectly notorious that in bringing in the Relief Bill, we had to contend with the scruples of the Sovereign under whom we were acting. We brought forward that

bill in 1829. In the preceding year the House of Lords, by a majority of forty, had refused to enter into the consideration of it. We brought forward the measure, and it was perfectly understood that one condition of the Relief Bill was, that the constituent body of Ireland should, if possible, be made an independent constituency; that the 40s. freeholds should be abolished and a 10l. franchise substituted. Sir, it was on the faith of that condition that the bill was acceded to, and I have not the smallest doubt that, but for it, the bill never would have passed. It was that condition which induced many to give a reluctant consent. The noble Lord surely will not deny it, because the noble Lord, in 1832, refused to alter the franchise provided by the Reform Bill, on the ground that it was part of the contract entered into at the passing of the Relief Bill. Such were the noble Lord's expressions, and he knows perfectly well that the Relief Bill would not have been passed if the abolition of the 40s. freeholders had not been granted. When the noble Lord, the Secretary for Ireland, acting on impressions different from those he now entertains, refused leave to the hon. and learned Member for Dublin to bring in a bill for the definition of the franchise, he rested his refusal on the grounds that the measure then proposed, which I believe was identical with the present one,—[Viscount Morpeth: No.] Well, whether identical or not, the noble Lord, objected to it as a measure that would subvert the settlement made in 1829 and in 1832. Now, Sir, I said last year, and I said with perfect sincerity, that I was for the complete fulfilment in the spirit in which I brought it forward, of the Catholic Relief Bill. I adhere to that declaration, but I am surely bound then to say, that the spirit in which it was brought forward should be fulfilled on the other side; and, that the conditions attached to it should be faithfully observed. Observe, at the same time, that I am far from wishing to restrict the *bonâ fide* franchise by any measure of registration. I confess I should see, as would also my noble Friend, with pain, that any social causes beyond the control of law should cause any great reduction of the franchises of Ireland, inconsistent with the spirit of the Relief Bill or the Reform Act. But I will make no declaration on the subject now; I suspend my judgement until I

see the evidence, until I know the extent to which the diminution prevails, and the causes which have led to it. I must ascertain whether it is attributable to the reluctance of landlords to grant leases, or to the unwillingness of the unfortunate freeholder to be placed in the constant predicament of offending either his landlord or his priest. I must know all these things before I form my judgment as to whether any remedy at all is necessary, and, above all, before I form my judgment as to the nature of the remedy to be adopted. Supposing that this un contemplated and unseen restriction of the franchise arise from the unwillingness of the landlord to grant leases, let me tell you that the remedy you now propose is no remedy at all. Your new franchise will depend on the granting of a lease, and may be equally defeated by the refusal of the landlord. How can you (the Government) ask us to decide an important question of this kind, and to devise a remedy for the evils you allege, when not proved, for anything we know, that they exist, and have certainly not proved that the remedy you propose will diminish the evil? Sir, I said, that I made it a condition of the Relief Bill, that the 40s. franchise should be abolished. Our object in doing that was to establish, if possible, an independent constituency, as exempt from the influence of the priest as of the landlord. We did not abolish the 40s. franchise on wanton or arbitrary grounds, nor as a mere sacrifice to the caprice of any one, for there was the most conclusive, the most irrefragable evidence, even from the Roman Catholics themselves, that the 40s. franchise was a curse to Ireland. The hon. and learned Member for Dublin denied in his speech of this evening, that he had given any evidence to that effect, and asked us to quote the page. I am sorry not to see the hon. and learned Member in his place, or I could refer him to pages 163, 165, and 167 of the Lords' Report. It was not, in fact, us who abolished the 40s. franchise—it was the Roman Catholics themselves, by the evidence they gave before the Lords' Committee in 1825. Here is the evidence of the hon. and learned Member before the committee. But I forgot the hon. and learned Gentleman said, that he made a reservation of the 40s. freeholders in fee simple. It is quite true that he did so. I wonder how many of

them are still existing. But I give him all the advantage of his reservation. The hon. and learned Member, when before the committee, gave the following evidence :—

“Do you think any voter really independent would be disqualified by raising the vote to 10*l.*, or even to 20*l.*? I have no doubt that many voters really independent would be disqualified by raising it to 20*l.* I think very few by raising it to 10*l.* I think the 40*s.* freeholders in almost all parts increase the Protestant interests, though mostly Catholics. They are so much in the power of the Protestant landlords, that a high ascendancy gentleman in the county of Cork, could march 600 voters to an election, to vote, if he pleased, for the Grand Master of an Orange Lodge, and all under the guidance of a Roman Catholic magistrate. Do you think the raising of the qualification to 10*l.* would be productive of great benefit to Ireland? I think it would be productive of benefit. It is no small benefit to get rid of any portion of perjury, and it is the commencement of what we so much want in Ireland, a substantial yeomanry.—Would the qualification of 10*l.* be effectual for that purpose? I think it would, for this reason; there must be a clear profit rent of 10*l.* a year, and a freehold tenure, an interest in the land for a life. The freeholder should have a clear profit, at which he would be able to let it to a third person the next day after his own lease, and which profit the landlord might himself have got on the letting of it. With respect to the freeholders, who have a derivative interest, there is an immense deal of perjury from the accumulation of oaths, and they are part of the live stock of an estate. Another scheme has been devised by the landlords. They give cottages and an acre, or half an acre of land to the peasant rent-free, letting him, as a tenant from year to year, a tract of land adjacent. He is thus in the power of his landlord, not for the actual freehold, but for the adjacent land. Thus they are in debt for the land held at will, and in some of the counties, the voters are sold as regularly as cattle.”

And now, after this testimony, the hon. and learned Member asks for the franchise for these men, because they are poor—and says that we insult and degrade Ireland by refusing it. Yet the hon. and learned Member said, in 1829,

“There are such heart-rending scenes follow elections in Ireland, that, after every allowance for political feeling, it is hard to reconcile ourselves to such misery. There are actually complaints made to clergymen by men who are made to swear to a freehold which they really do not possess.”

Am I to blame, then, if I adhere to the spirit of the Relief Bill? Am I to be told

that I am offering insult to Ireland, because I do not consent to re-establish a system, which was proved, in 1825, to cause “heart-rending scenes,” to expose the freeholder to the anger of his landlord if he refused to perjure himself, by swearing to a freehold which in reality he did not possess. Am I to be told that I am insulting Ireland, if I endeavour to establish such an independent yeomanry as Ireland ought to possess? Why, the whole evidence of the Roman Catholics themselves goes to show, that the sacrifice of the 40*s.* freeholders was no act of ours. Let not the hon. and learned Member for Dublin then turn round on us, and make a motion for re-establishing the 40*s.* freeholders, and tell us that we were actuated by a Saxon spirit, when we refused such a mockery of a franchise. Has the hon. and learned Member never heard the evidence of Mr. Blake? He was under no undue influence when he gave his evidence. Or take a Roman Catholic priest, the rev. John Kirby. What was his evidence? He said :—

“I know if the matter were left to my judgment, 7*l.* would be the lowest qualification.—What distinction would you draw between the future political conduct of the 7*l.* freeholder, and the 40*s.*? It would establish an order of freeholders, in my opinion, that from their property and intellect would go as moral agents into the Courts to give their votes.”

Why, Sir, a great majority of this House—the young blood which has of late been infused into it—do not remember the 40*s.* system. We, who were in Parliament from 1820 to 1830, understand the system. Now, to those who are not practically aware of it, I will give them a detail, which I take from the evidence of an Irish county Member, who has since been made a Peer by the present Government—I mean Mr. Dominick Browne, the Member for Mayo. Here is his account of the system :—

“I will give an account of this system of making freeholders. Suppose a farm of 100 acres is to be let; it would be subdivided into twenty or twenty-five holdings; it would be let at a greater rent than the grazier could afford to pay. These persons would register a 40*s.* freehold out of the land, for which they paid a rack rent. I have known upwards of ninety-six persons being in one lease previous to the Joint Tenancy Act, paying a rent under 70*l.* a year, which I believe was a rack rent, and every man registering a freehold out of that lease. I know a case of

sixty-six persons living on bishop's land, which, in Ireland, cannot create a freehold. The object of the landlord was to make those persons freeholders: for this purpose he let them a barren mountain—part of his freehold estate—for 12*l.* a year in joint tenancy, and every one of those registered a 40*s.* freehold. I will state another case still more extraordinary. I know of a good number of tenants having taken a lease in 1814 when prices were highest; those persons have, within two years, all registered 40*s.* freeholds by virtue of their lease. Though they have received from their landlord a temporary abatement of fifty per cent., the landlord is still entitled to enforce the whole rent."

There are in the evidence further details of the mode in which landlords secured the allegiance of the voters. One of these was to attach a small piece of land to the freehold, which was held at will; another was to allow the tenant to go into arrear. Another mode pointed out in the evidence was, that the right to cut turf, being a most valuable part of the freehold, the landlord preserved it under his own control, and thus controlled the vote of his tenant. Now, this was the evidence, which established beyond all denial the complete servility of the 40*s.* freeholders. These are the grounds, and this is the evidence, which justifies us in thinking that we are not only consulting the principle of the Relief Bill, but the social improvement of Ireland, by refusing to give a franchise tantamount to a restoration of the 40*s.* freehold. Will the noble Lord now permit me to call his attention to a most important part of the subject. Has the noble Lord well considered whether his proposed franchise is not liable to just the same perversion and abuse as the 40*s.* freehold? Let us put aside for a short time all the influence of party feelings, and consider whether the franchise may not be perverted to the worst purposes, and made to obstruct the advancement of Ireland in the path of social improvement. The noble Lord proposes that every landlord may qualify a leaseholder to vote by giving him a lease of land or tenement, to be rated at 5*l.* and held for fourteen years. Now, it is admitted, that there is great political excitement in Ireland, and great anxiety to get possession of political influence through the means of the franchise. The objection made to my noble Friend's bill is, that it will restrict the franchise, the advantage claimed for the bill of the noble Lord opposite is, that it will extend the franchise. Can there be a more conclusive

proof of the desire in Ireland to acquire political influence by the use of land than the popularity of the latter measure. The means of acquiring influence which was given by the 40*s.* franchise will be given by the noble Lord's bill. Any man who chooses to divide his estate may qualify a certain number of voters, and he may secure their dependence by means similar to those used under the old system, as there may be a tenancy at will attached to the lease more valuable than the lease itself, for the lease may be of no value. Now, observe the double temptation that will be brought to bear on the landlord, the influence of gain and of political power. It is clear from the report of the commissioners, that the small holdings are held at the highest rent, and it states a case in which a farm was valued at one-fourth the rent paid. Here is an inducement to the landlord to divide his land into small holdings; but to this, strong as it is, the inducement of political influence is added. Now, was this influence used under the old system? Hear Judge Day; speaking of the freeholder, he says—

"He and his brethren are driven by the landlord into the hustings as a salesman drives his flock into the market. The system is a sort of universal suffrage. Thus the beggary of the county elects, and the property of the county is out of the case. A county adventurer multiplies upon a waste or a moss a mob of freeholders, and thus becomes a very considerable gentleman in the county."

Mr. Dominick Browne, also, was asked—

"Is not the common practice for attorneys to take farms for the purpose of manufacturing freeholders, and then to sell their interest, thus manufactured to the best bidder among the candidates?—Very common."

Another witness was asked, whether the possession of freeholds did not give great influence on the Grand Jury, and whether it did not tend to lubricate a county job, and the answer was in the affirmative. You see, then, that, under the old system, there was great temptation for abuse; and therefore I want to know from the noble Lord whether his proposed measure will not be liable to the same abuses? Is it just that, if an inferior class of landholders neglect their land, and choose to sacrifice their estates for the purpose of making voters, they should have the power to influence the conduct of the landlord who wished to improve his estate and to pro-

mote the welfare of his country? But so it will be. The landholder who makes the freeholders will be found to possess too much influence in the county, and the man who disapproves of the system will be obliged to adopt the plan, in order to preserve the equilibrium of the county. There will, in fact, be constant rivalry for political power. The measure of the noble Lord has evidently a tendency in an evil direction, towards the subdivision of land, and not towards progress and improvement. I speak not now merely of moral influences, of jobs, and of influence with grand juries; I look to effects in another direction. I ask whether the noble Lord thinks he is advancing the social improvement of Ireland by giving a new stimulus to the subdivision of land? I ask him to read the reports of his own commissioners. They advised him against the adoption of the Poor-law, but he sent an intelligent gentleman from this country, one versed in the working of the English law, and such confidence had the noble Lord in this gentleman's judgment that he overlooked the report of the commission, and determined to adopt the Poor-law. Now, what was the evidence Mr. Nicholls gave on the subject of the subdivision of land. He says—

"Small holdings and minute subdivisions of land prevail in Donegal to a greater extent than I have found in any other part of Ireland; and the subsequent growth of population has been there so great as to press hard upon the productive powers of the soil, and to depress the condition of the people to nearly the lowest point in the social scale—exposing them, under the not unfrequent contingency of an unfavourable season, or a partial failure of the potatoe crop, to the most dreadful privations. To improve the condition of such a people, would immediately increase the productive powers of the country, which is a point well deserving the attention of the great landowners, with whom it will mainly rest. But no material or lasting improvement can be effected so long as the present division of the land into small holdings is permitted. This practice, wherever it prevails, inevitably forces the whole population down to the lowest level of subsistence—to that point, where subdivision is arrested by the dread or by the actual occurrence of starvation."

And yet, with this evidence, given to you by your own commissioner, as to the evils arising from the subdivision of land, you venture to bring forward a measure adding to these evils, because to the

temptation of the gain to be derived by letting the land in a multitude of small holdings, as compared with great ones, you add the further temptation of the gain in county influence. Sir, I have attempted to show that this extensive franchise which is now proposed to be given would be worse than the 40s. freeholds. I have attempted to show that it would not be compatible with the fair and honourable compact entered into when the bill for repealing the Roman Catholic disabilities was passed. I have attempted to show that its effect would be to retard the social improvement of Ireland, and to encourage the subdivision of land in that country—and I ask you, when you have done all this—when you have established this precedent in favour of Ireland—whether you think it possible to refuse to extend a similar principle of franchise to this country? Have you had no demands backed by physical force, for the extension of the suffrage from this country? Suppose you had found a political party base enough to confederate with them for the purpose of embarrassing the Government, in what condition as to internal peace would this country have now been? Suppose we had said the demands of the Chartists were just—suppose we had said that physical force required concession—suppose we had said the political horizon is clouded—you had better purchase peace by the grant of privileges—in what condition would you have been? Aided by our support you would have been enabled to resist those demands. You used your influence and authority to proclaim that the Reform Bill was a permanent settlement, and that by the Reform Bill you would stand. But when you have, as relates to Ireland, on such evidence, on such a case, from such motives, brought in a bill, the essence and qualification, the essential principle of which, according to the Secretary at War, is the franchise—will you be enabled to resist the demand made for the extension of a similar principle to Ireland and to Scotland? If it be right that a suffrage more extended than household suffrage should exist in Ireland. If it be right that the freehold interests should be abolished—if it be right that without any allegation the franchise in towns in Ireland should be reduced from 10*l.* to 5*l.*, do you think you will be enabled to resist demands for change here by saying that Lord Grey and Lord Althorp made a declaration in favour

of the permanency of the Reform Bill in England—that it is dangerous to disturb that settlement; and, therefore, though you extend the franchise in Ireland, you will grant no further reform in this country? The hon. Gentleman the Member for Kilkenny was indiscreet enough to make too premature a demand for the extension of this suffrage to England. [Mr. Hume: I did not.] The hon. Member seems disposed to recall his words. The hon. Gentleman said, when the English Registration Bill was under consideration, why did you not bring forward this Registration Bill? and a good question too. If the settlement of the franchise be so necessary to a registration bill, why not have introduced it into the English Registration Bill? But no! You would not define the franchise. We asked you to do so. We asked you to settle this question long since, and the noble Lord would not permit us, but said, that in the present state of parties he could not permit us to define the franchise, although he would proceed to rectify the registration. My noble Friend is loaded with every species of calumny, because he does not attempt to define the franchise, and yet the noble Lord opposite proceeds with a mere Registration Bill for England, though with reference to the trusteeship of Dissenters' chapels, and a hundred other disputed questions that have arisen, he also refuses to give any definition of the franchise. The hon. Member for Kilkenny has, however, given us timely notice that a demand will be made on the noble Lord and this House for an extension of a similar franchise to England, and on what principle has the noble Lord placed the finality or permanent settlement of the Irish Reform Bill, so as to enable him to grant in one case and refuse in another? If, as I before said, on such a case as this—on such evidence as this—you are prepared not only not to support, but to subvert, the existing system in Ireland, will it, can it be possible, this alleged boon being once granted to Ireland, to refuse a similar concession to England? At the same time, I do hope the noble Lord will make a public declaration of his intentions to-night. Because nothing will so effectually tend to excite expectations and perilous struggles in the country as establishing a precedent of this kind and avoiding to make any distinct declaration as to whether that precedent is to be ap-

plicable to England and Scotland. Sir, I, for one, not from any party considerations, but with a view to the peace and tranquillity of this kingdom, knowing the demand which will soon be made on the noble Lord when this precedent is established, deeply lament the course which he as a Minister of the Crown has thought it right to take. I had understood from the noble Lord that he meant steadily to adhere to the principles of the Reform Act—that as to minor details he was ready to make improvements and to remove restrictions and vexatious accompaniments to the establishment of their right. But I certainly did understand from the noble Lord that a constantly recurring agitation as to the principles of representation was, in his opinion, fraught with peril and evil to the nation. Sir, I recalled to the noble Lord that this was the language which he held in the year 1837, and which he has repeated in the letter since addressed by him to his constituents. Sir, the noble Lord may now have reason for holding a different language. The noble Lord may find it necessary for the purpose of conciliating lukewarm supporters, and propping up a falling power, to give the hopes of increased concession to those who were dissatisfied with the declarations of 1837, and who demanded from the noble Lord, if not actual performance, at least vague and indefinite promises as to the progress of reform. The noble Lord then steadily refused to encourage such hopes. I hope he may intend to refuse them now. But I am afraid that his power of refusing will be greatly weakened by the precedent which he has established. In 1834 the noble Lord was party to a declaration by which he discountenanced in the most formal manner, the efforts that were then being made to procure a repeal of the union. In 1834 the noble Lord was a party to place in the mouth of the Sovereign his emphatic condemnation of the mischievous agitation for the repeal of the union. The King said, in his Speech to Parliament—

“I have seen with feelings of deep regret and just indignation the continuance of attempts to excite the people of Ireland to demand the repeal of the legislative union.”

“To the practices which have been used to produce disaffection to the State, and mutual distrust and animosity between the two countries, are chiefly to be attributed the spirit of insubordination which, though for the present

controlled by the force of the law, has been but too perceptible in many instances."

This was the language addressed in 1834 to the agitators of Ireland. In 1837, a period when the noble Lord addressed his celebrated letter to his constituents at Stroud, this was the language which he used towards the eager advocates of extended franchise:—

"If, after these declarations, any Member of Lord Grey's Cabinet, were to propose to begin the whole question anew, the obvious remark would be, 'You have either so egregiously deceived us that we cannot trust to your public engagements, or you have so blindly deceived yourselves that we cannot believe in the solidity of your new scheme.'"

"But the excitement of a new change; the passions again raised; the House of Commons again in the furnace to be melted in a new mould; the people again in the temper which burst out in flames at Nottingham and Bristol, would go far to shake the stability of property, and make law the servant of disorder. The happy consummation of a labouring class toiling little and earning much would be further than ever; the security to be enjoyed in Germany or Switzerland would attract capital, and diminish employment at home; the deluded might indeed wake from their dream at length, but too late for their peace."

There were many declarations, the very making of which from a place of high authority gave strength to the position of the person from whose lips they fell. The noble Lord may have found now the pressure upon him to be such that he cannot maintain an adherence to these manly declarations. The noble Lord may have observed a significant hint at the commencement of this Session, that the foreign policy of this country did not meet the approbation of some of his supporters. The noble Lord may have found it necessary to use less strong and forcible language in denouncing the efforts to promote repeal of the union by means of agitation. Still I cannot but regret he should adopt this course. I regret it for the interests of the country. The noble Lord may have found in the return for Surry, strong indications that the confidence of this country was leaving him. He may have found it necessary to seek compensation for the loss of that confidence by renewing the alliances with those in this House who appeared ready to withdraw from him their support. He may purchase by concession on those points a temporary support; but I cannot help

thinking, when he recalls to mind the declarations of 1834 and 1837, that it will abate something of the feelings of satisfaction with which he may contemplate this temporary triumph—something of the satisfaction with which he may reflect on the small majority which he may call to his aid this night. It will, I think, cast a gloom over those festivities with which he may celebrate this new compact, and new alliance, if the reflection should come across him that he has gained that support, by receding from the position which enabled him to resist the progress of democratic invasion—by obstructing the progress of social improvement in Ireland by exciting hopes which he cannot realise, and by raising passions and expectations which the noble Lord cannot disappoint without becoming the object of indignation, and which he cannot gratify without becoming the fomentor of convulsion.

Lord John Russell said: Sir I am quite ready to meet the accusations and the warnings of the right hon. Gentleman. In order to do so it will be necessary for me to recur to that period to which the right hon. Baronet has alluded—that period of 1829—to show to this House, and to recal to the remembrance of this House, the circumstances under which what the right hon. Gentleman says I called a compact—and which I am ready to call a compact now—was made; and to declare to this House that I come here in fulfilment of that compact. To do this it is not necessary for me to do more than to recal to recollection a public and notorious fact, and to place myself upon this ground, that, if there was an engagement made with those who felt scruples and prejudices—scruples and prejudices which appear to me to have been unfounded—against the admission of the Roman Catholics to political power, it was right that that engagement should be kept—that if there was an engagement with the people of Ireland, it ought not to be wantonly violated, as the noble Lord has attempted. The circumstances were these:—for a long period the Catholic question had been a matter of debate; men of high talent had taken part in that debate on the one side or on the other; but with respect to Ireland, owing to that strange conflict of opinion, there was no such thing as a Government. It was but the other day I read a statement made in the House of Lords by the noble Lord then Secretary of State, to the effect,

that the important office of chief Secretary for Ireland was given away without his knowledge, and that the appointment was made without consulting him. The person appointed was Lord Glenelg, then Mr. Grant; and it was obvious the appointment was made for the purpose of keeping up that balance of opinion in Ireland that there could be no determined policy one way or the other. That balance was kept up. Any one who will recur to the accounts of that time, will find that there was then a vast association, having a treasury of its own, giving directions to an executive of its own throughout the country—that there were meetings, and processions with banners, and that those meetings and processions excited great alarm. Then we have the declaration of the Duke of Wellington that that state of alarm and insecurity, not positively amounting to illegality, was yet so powerful that it threatened civil war, and that those were the circumstances that induced the Government of the day to propose Catholic Emancipation. Sir, I also thought that measure a just and wise one; but the time for passing it was the most unfortunate that could have been adopted, and I could not but agree with the sentiment expressed by the late Lord Mansfield, whose speeches were always worthy of attention, that by placing concession on the ground of fear of civil war as the motive of that concession, you would give great encouragement to combination in all future time, and induce disaffected men in Ireland, when they remembered that combination had obtained their former demands, to trust that the same means would always effect a similar object. That was a statement made by a noble Lord differing from me in politics. Sir, with respect to the subserviency of this Government to the hon. and learned Member for Dublin—with respect to the wish of this Government to conciliate agitators—I may refer to that firm Tory Government one of the chief Members of which now reproaches me. At that time, I must do that Government the credit to say, they yielded frankly and fully. I give the right hon. Gentleman entire credit for all he has said to night with respect to his reasons for disfranchising the forty-shilling freeholders. I was one of those who at first felt a strong repugnance to that measure. I may mention incidentally that my noble Friend the present Lord-Lieutenant of Ireland, Lord Ebrington, and myself, both came to London for the purpose of opposing that mea-

sure if it should be proposed. I, however, afterwards thought there were reasons for its passing. In proposing his measure, the right hon. Gentleman stated in a manner likely to conciliate the friends of popular privileges, the mode in which the increased franchise was to be obtained. The elector was to go before the assistant barrister, there to put in his claim founded upon his 10*l.* interest, and, if the claim were admitted, he remained possessed of the franchise for eight years without question or annoyance. If, however, the barrister was of opinion that the right was not established, if the party still thought he could make out that right, an appeal was given, and he might go before a jury to ascertain the facts, or before a judge to settle the law upon the point. If it were decided in his favour, he remained for eight years unmolested. What is proposed now? To take away that privilege—to expose the elector to continual harassing and vexation. Instead of obtaining the franchise and keeping it for eight years, he may not be able to keep it for three months. If he appeal, and gains his appeal, next year he may again be opposed. Let the House bear in mind that I am now answering the charge of a breach of faith with regard to the Roman Catholic question. If there be any breach of faith, it is in the proposal of the noble Member for North Lancashire. There may be two modes of effectually depriving a man of his franchise: you may do it by the more plain and direct mode, or you may do it indirectly and circuitously. The Attorney-general told us some time ago, that no man could go into the Court of Chancery where the sum at issue was less than 100*l.* Suppose you were to say that a man who has a 10*l.* debt, shall recover it in no other way than through the Court of Chancery, do you not thereby deprive him of his right? That is, in effect, what is proposed by the bill of the noble Lord. It is the bringing in of that bill which makes it necessary for me to go into the whole question. I think we are bound in good faith to the people of Ireland to give them at least as good a franchise as that which was intended for them in 1829. That was a right given to a people disturbed. Will you take it away from a people in tranquillity? This was a franchise offered to a people agitated and threatening: I will not take it from a people loyal and obedient. I am speaking now of the proposal of the noble Lord on the opposite side of the House. I do affirm that when the noble Lord proposed his

bill the people of Ireland were in a state of tranquillity. It has been admitted on the other side that they were peacefully making progress in prosperity: it was the introduction of the bill of the noble Lord which was the signal for agitation. That is, a bill to take away the franchise—to destroy the franchise, and I am obliged by the conduct of the noble Lord to look at the whole question. We endeavoured last year to accomplish something by a bill affecting registration, and then we were told that we were defending fraud and perjury. Because we did not choose to enter upon the subject in the way the noble Lord approved, we were accused of being abettors of a most nefarious system; and even last night it was repeated that we were the defenders of fraud and perjury. With regard to all questions of this kind on which the Members of the present Government hold opinions different from those of hon. Gentlemen on the other side, we conceived that in many cases we were bound to carry our opinions into effect. Mr. O'Lochlen accordingly in 1835 introduced a bill for the definition of the beneficial interest. As that was not likely to be passed into a law, it was thought better that we should wait some time: it was thought better to proceed with measures upon which party violence was not excited. There were questions of great importance—on the administration of the law relating to the poor—the administration of justice—on commercial relations—and these might be discussed and disposed of without party hostility. More exciting questions might, it was supposed, be left to time, when the people of the empire should have given an impulse to the opinions entertained by Ministers, or to those which were held by their opponents. This mode of proceeding was not advantageous to us as a party; we were reproached with postponing bills relating to popular rights, and it was asserted that by this means we were losing ground. My answer was, that I thought it better for the general interest of the country to proceed with practical measures of certain benefit. To us as a party, as I said, this course was inexpedient; but can we keep that course any longer? Is it at our option? Are we to be accused as we were last year? Is it to be said that we are now favouring and screening perjury, and that we are not to declare our opinions as to what measures we consider best? We were, therefore, obliged to look at the question of the franchise, as well as at the

question of registration. Whatever may be the opinion of the hon. Member for Monaghan now, his opinion last year was, that we never could arrive at a satisfactory criterion of the franchise, unless it were sought in something out of the mere averment and oath of the party himself as to the franchise itself. I do not mean, of course, to give any opinion on the law; but taking a mere liberal view, it was obvious that a man having a very small amount of property might produce witnesses who would assist him in putting his claim on the register. But the criterion we take from the poor-rate seems to be the best that we can now adopt. In the course of last summer I consulted Mr. Nicholls, and he told me that, in the present state of the country, he thought the criterion of the poor-law most advisable. I have a letter from him, dated the 24th August last, in which he tells me that, on reflection, his opinion upon this point was more and more confirmed. I did not, of course, ask him the particular amount of rate to qualify a voter for the franchise; but he strongly recommended that rating under the poor-law should be adopted as the criterion. Taking that criterion we proposed that it should be dependent also on a certain tenure by lease. Under the forty-shilling system it was some six or seven years, and we proposed that it should be fourteen years, with a rating to the amount of 5*l*. We took the fourteen years on account of the general custom, and in accordance also with the reports upon the Table, and we find that under this new system many freeholders now entitled to vote will be disfranchised. In union No. 1, seventeen will be disfranchised; in union No. 3, there will be also seventeen; in union No. 4, six; and in other unions 20, four and four. Each of these persons at present has a vote, and will be disfranchised under the 5*l*. qualification and a tenure of fourteen years. I maintain, then, that we shall have in the principle of rating under this bill an easy and correct test of the franchise. The noble Lord must admit, that the voter will possess property liable to that burden. The noble Lord, in the course of his speech, at the commencement of this discussion, undertook to show a great many things—and a great many contradictory things too. At one time he showed that the voters were in the most miserable state, and at another that they were solvent persons, possessing four or five acres each, with good food and good cloth-

ing. I say, that the amount of the holding, whether it be 5*l.* or any other sum, as well as the duration of the term, are fit subjects for discussion in committee. I was certainly a good deal surprised at hearing the arguments of the hon. and learned Member for Exeter. I admit, that in some instances persons have got upon the register who have no right to that privilege; but I can inform the House that by the result of an experiment made in one union upon the plan proposed by the noble Lord, only four voters out of one hundred and thirty would have succeeded in getting placed upon the register. Looking at these circumstances, I say that this is an immense political question. And how does the noble Lord propose to solve it? By leaving it to the decision of the judges, that is to say, by leaving it in doubt. But, said the hon. and learned Member for Exeter, it ought not to be doubtful, because the minority of the judges ought to yield to the majority. Was there ever such a mode of establishing a political right? It was a great evil that the judges should be called upon to decide in those matters which are so closely connected with politics, but it is a much greater evil that Members of that House of high professional authority should endeavour to influence the opinion of the judges by reflections cast upon them for the honest and conscientious discharge of their duty upon the judgment-seat. The hon. and learned Member for Exeter expressed himself in no measured language, but what are the comments upon his text? I saw, in a publication issued to-day, the words of the hon. and learned Member quoted, with these remarks:—

“Nothing can add to the piercing severity of these words of Sir William Follett. We know little in England of partizan judges—of O’Connell judges—of men raised to the bench who had no other claims to that distinction, save only that they have for years been political Papists, and busy partisans, and subaltern agitators to Mr. Daniel O’Connell. But it is unhappily far otherwise in Ireland; and hence—and hence only—has there been witnessed the insurrection of a judicial minority against the law, as declared solemnly by ten judges of the land out of twelve.”

Such is the manner in which Chief Baron Brady and Baron Richards—men of unsullied character and high professional reputation—were spoken of by those who wished to obtain a decision of the judges which would accord with their views. If hon. Gentlemen opposite are to do as they

choose—if they are to take away the franchise from the people of Ireland—if they are to throw false weights into the scale, let them do so; but to effect their purpose let them not abuse the balance of justice. I think that the provisions of the bill which we have introduced are founded in justice, and will relieve us from many, if not all the difficulties which at present surround this question. The noble Lord and the right hon. Gentleman opposite said that if it should turn out that the constituency of Ireland were materially diminished—if it should turn out that the landlords refused to grant leases, they would then consider what ought to be done. Was not the evil sufficiently notorious? The noble Lord opposite read on a former night a statement of the number of voters in different counties in Ireland. From that statement it appeared that in the counties of Tipperary, Cork, Waterford, Wicklow, and Longford, there were, in 1832, 15,867 voters. Now, I will read some returns, which will show the extent to which the disfranchisement has already arrived. In Tipperary the constituency has fallen from 4,143 to 2,462, in Cork county from 5,738 to 3,781, in Waterford from 1,675 to 1,082, in Wicklow from 2,340 to 1,580, in Longford from 1,971 to 949, making in all a diminution of 6,385, as the constituency has fallen from 15,867 to 9,482. These numbers are taken from returns made to the Government which will soon be laid before the House. The noble Lord opposite admitted the growing unwillingness on the part of landlords to grant leases. Here in the returns the diminished numbers showed the effect of the cause which the noble Lord has assigned. Are we, in the face of these facts, to be told that we are not to provide a check against the evil until it has proceeded yet further? I will tell the House what will be the consequence of such waiting. When, disgusted with the difficulties thrown in the way of their political rights, they will be driven to make an improper use of the political power which might still be in their possession. I do not feel so very much shocked because some 300 or 400 persons who had only 7*l.* holdings enrolled upon the registry as 10*l.* electors. That is not so shocking to me as to have a still greater number, who are yet fully entitled, excluded by difficulties and technicalities from coming to the poll and exercising their legal rights. If they refused to define the franchise, the landlords and the nobles would dig pit-falls for the constitu-

ency, the result of which would be, that the people would abandon the constitutional mode of giving expression to their opinions. But would they abandon politics? No. No; you will only drive them into illegal combinations and secret societies, until ultimately you will be compelled to yield to terror, as you did in 1829, what you ought to have conceded to reason and justice. I will not at this late hour of the night go into any other matters with respect to the Irish franchise, of which we have heard so much during the late debate. But the right hon. Gentleman, as well as others, has made an appeal to me with respect to two most important questions. He has made an appeal to me respecting my opinions on the repeal of the union, and with respect generally to the points of the Reform Act. With respect to the repeal of the union, I have nothing to add or to retract from the opinions in relation to that subject as they were read by the right hon. Gentleman the Member for Pembroke; they are exactly in conformity with the opinion stated by the noble Lord, the Lord-lieutenant of Ireland, in the name of himself and in the name of the Government, in the month of November last. My noble Friend thought that the repeal of the union must lead to a separation between the two countries. Those are my own opinions with regard to repeal of the union. But while I hold these opinions, the more I dread a repeal of the union, the more I dread that calamity, the more I am of opinion that the just complaints of the people of Ireland should be attended to. If I were indifferent to the repeal of the union—if I thought that it might be repealed without any inconvenience—if I thought that the danger of that repeal were a mere secondary question, I might not be found to be so great an opposer of the noble Lord's Bill; but it is because I like, because I am attached to, because I wish for the maintenance of the union, that I, as well as a Member of Parliament as a minister of the Crown, seek to see that the people of Ireland are not wronged by you. Then, with regard to the Reform Act: my opinion upon that point, again, is the same as the opinion which I declared to the electors of Stroud, and which I have placed on record. In that letter I pointed out the matters for which I was not prepared to vote if they were proposed to this House. My observation with regard to the Reform Act as a permanent measure, my opinions with respect to inexpediency,

and the danger of reconstructing the representation of this country, remain unchanged. But I cannot, when such a case as has been here made out occurs, and when we have determined to interfere to alter the registration, I cannot, when it is proved that on the one side the franchise is made so loose that almost any claim can be admitted, whilst on the other side the construction is so stringent as to lead almost to the extinguishment of the franchise;—when I find that one doctrine is held by one set of judges, and that another is held by a second set, and that both conceive that they are bound by the Act of Parliament to adhere to their opinions, I cannot conceive that an alteration in such a case will be construed into a precedent for an interference with the franchise in England or in Scotland, or that we propose so wide a franchise that the people of these countries will be willing to give up their franchise to obtain the proposed Irish system. The forty-shilling freeholders in England is, in fact, so large a franchise that they would be willing to exchange. At the same time I admit that there is some danger, and I therefore have been reluctant to interfere with the Reform Act in Ireland until it was made absolutely necessary. Now it is made absolutely necessary not only by the bill of the noble Lord, but by the votes of the House of Commons during the last Session. With regard to the number of electors in this country as compared with those of Ireland, what is the fact? I have already read the number of electors in five counties of Ireland, and I will now read the numbers of freeholders in two counties only in England. In the county of Lancaster, one part of which is represented by the noble Lord, the total number of freeholders is 16,875; the total number of electors on the registry is 27,796. In the county of York the number of freeholders is 26,022; the total number on the registry, 49,529; making together 77,325 persons registered for the two counties, of whom 42,897 are freeholders. Now, when the franchise in England is so extensive, and the franchise in Ireland so restricted, is there not rather a danger that we may make the Irish discontented, by refusing extension, than that by giving them the franchise we should make the people of England dissatisfied? The 40s. freeholder holds by an excellent title; he had a perfect right to the franchise; but it was a very low franchise; a lower franchise he considered than that which her Majesty's Government was now proposing.

Sir, with respect to the whole of this question, I can never believe in the notion that the people of Ireland will be so exasperated by the conduct of this House that I should expect their allegiance to be transferred to any foreign or other power. I have no such apprehension, but the matter is nevertheless one of great gravity and importance. With regard to foreign affairs, is it nothing when we have to treat with great powers of Europe or America that we should be able to say, "The communication comes from a Queen reigning over a united kingdom, and over a people united in heart and in feeling," or whether they had to say, "There is discontent and unquiet; one-third of the empire is agitated and subject to discontent and unquiet?" Was there not greater strength in one case than in the other? We all feel, Sir, the value of retaining the people of this country as a united people. But with respect to the people of Ireland, I beg to say that I hope they will not believe the representations of the hon. and learned Gentleman, the Member for Dublin, when he says what he himself sincerely believes, but which he has gathered from misapprehension, that the people of this country, or that any great body of the people of this country, have any hatred to the people of Ireland. There have been, no doubt, animosities arising from a difference of religion and animosities arising from other causes between the two nations. But these belong, I think, to bygone periods, to those old times to which allusion had been made, but into the history of which I will not enter, except to derive from them consolation for the present and the future.

"O passi graviores; dabit Deus his quoque finem."

At the present time, I entirely disbelieve that the people of this country have any disinclination to do justice to the people of Ireland. I believe that the course to be pursued is, to state to the people of this country and to this House, the grounds of any measure for the increase of the franchises of Ireland. It may be met by prejudice in the first place, or by indifference; but my belief is, that if the change be urged strenuously and peaceably—I do not say without vehemence, because I believe that vehemence may be rightly used in a just cause, and without improper imputations—the proposal will be ultimately adopted by this House. I believe that the people of this country will be anxious, will be gratified, and will be willing to confer benefit on Ireland. I, therefore, say that, although I think that there is already a

franchise too much restricted in Ireland, the suffrage will be still more restricted by the bill of the noble Lord opposite. I think that the people of Ireland have already suffered disfranchisement on account of their religion; they have had their corporations made an exclusive monopoly; but all these evils have been by degrees got rid of. And I believe, further, that by the working of our free constitution, I believe by the irresistible benefits to be derived from the operation of that free system, we shall see the English people giving to the Irish nation those franchises which are justly their due; that they will be increasing and improving in the arts of peace, and that Ireland will share all the advantages of the union. Like the right hon. Member for Tamworth, I shall not be swayed by fears or threats. Whatever be the immediate fate of the present measure, justice will make it prevail in the end, and in the security of the conviction that it is a just one, I fearlessly commit the decision of it to the House.

The House divided on the following question:—"That the bill be now read a second time;" Amendment proposed to leave out the word "now," and at the end of the question to add the words "upon this day six months." Question put "That the word 'now,' stand part of the question:"—Ayes 299: Noes 294; Majority 5.

List of the AYES.

Abercomby, hon. G. R.	Bowes, J.
Acheson, Viscount	Brabazon, Lord
Adam, Admiral	Bridgeman, H.
Aglionby, H. A.	Briscoe, J. I.
Alston, R.	Brocklehurst, J.
Anson, hon. Colonel	Brodie, W. B.
Anson, Sir G.	Brotherton, J.
Archbold, R.	Browne, R. D.
Bainbridge, E. T.	Bryan, G.
Baines, E.	Buller, C.
Bannerman, A.	Buller, E.
Baring, rt. hon. F. T.	Bulwer, Sir L.
Barnard, E. G.	Busfield, W.
Barron, H. W.	Byng, G.
Barry, G. S.	Byng, rt. hon. G. S.
Basset, J.	Callaghan, D.
Beamish, F. B.	Campbell, Sir J.
Bellew, R. M.	Carew, hon. R. S.
Berkeley, hon. H.	Cavendish, hon. C.
Berkeley, hon. G.	Cavendish, hon. G. II.
Berkeley, hon. C.	Cayley, E. S.
Bernal, R.	Chalmers, P.
Bewes, T.	Chapman, Sir M. L. C.
Blake, M. J.	Chetwynd, Major
Blake, W. J.	Chichester, J. P. B.
Blake, M.	Childers, J. W.
Blewitt, R. J.	Clay, W.
Bodkin, J. J.	Clayton, Sir W. R.

Baillie, H. J.	Douglas, Sir C. E.	Holmes, W.	Palmer, R.
Baker, E.	Douro, Marq. of	Hope, hon. C.	Palmer, G.
Baldwin, C. B.	Dowdeswell, W.	Hope, H. T.	Parker, M.
Baring, hon. W. B.	Drummond, H. H.	Hope, G. W.	Parker, R. T.
Barneby, J.	Duffield, T.	Hotham, Lord	Parker, T. A. W.
Barrington, Viscount	Dugdale, W. S.	Houldsworth, T.	Patten, J. W.
Bateson, Sir R.	Dunbar, G.	Houstoun, G.	Peel, rt. hon. Sir R.
Bell, M.	Duncombe, hon. W.	Hughes, W. B.	Peel, J.
Benett, J.	Duncombe, hon. A.	Hurt, F.	Pemberton, T.
Bentinck, Lord G.	Dungannon, Viscount	Ingestre, Viscount	Perceval, Colonel
Bethell, R.	Du Pre, G.	Inglis, Sir R. H.	Pigot, R.
Blackburne, I.	East, J. B.	Irtou, S.	Planta, rt. hn. J.
Blackstone, W. S.	Eastnor, Viscount	Jackson, Mr. Sergeant	Plumptre, J. P.
Blair, J.	Eaton, R. J.	James, Sir W. C.	Polhill, F.
Blakemore, R.	Egerton, W. T.	Jenkins, Sir R.	Pollen, Sir J. W.
Blennerhasset, A.	Egerton, Sir P.	Jermyn, Earl	Pollock, Sir F.
Boldero, H. G.	Egerton, Lord F.	Johnstone, H.	Praed, W. T.
Bolling, W.	Eliot, Lord	Jones, J.	Pringle, A.
Botfield, B.	Estcourt, T.	Jones, Captain	Pusey, P.
Bradshaw, J.	Farnham, E. B.	Kelly, F.	Rae, rt. hn. Sir W.
Bramston, T. W.	Fielden, W.	Kemble, H.	Reid, Sir J. R.
Broadley, H.	Fector, J. M.	Kerrison, Sir E.	Richards, R.
Broadwood, H.	Fellowes, E.	Kelburne, Viscount	Rickford, W.
Brooke, Sir A. B.	Filmer, Sir E.	Kirk, P.	Rose, rt. hon. Sir G.
Brownrigg, S.	Fitzroy, hon. H.	Knatchbull, right hon.	Round, C. G.
Bruce, Lord E.	Fleming, J.	Sir E.	Round, J.
Bruce, C. L. C.	Follet, Sir W.	Knight, H. G.	Rushbrooke, Colonel
Bruen, Colonel	Forester, hon. G.	Knightley, Sir C.	Rushout, G.
Bruges, W. H. L.	Fox, S. L.	Lascelles, hon. W. S.	St. Paul, Sir H.
Buck, L. W.	Freshfield, J. W.	Law, hon. C. E.	Sanderson, R.
Buller, Sir J. Y.	Gaskell, J. M.	Lefroy, rt. hon. T.	Sandon, Viscount
Burr, H.	Gladstone, W. E.	Lennox, Lord A.	Scarlett, hon. J. Y.
Burrell, Sir C.	Gladstone, J. N.	Liddell, hon. H. T.	Shaw, rt. hn. F.
Calcraft, J. H.	Glynne, Sir S. R.	Lincoln, Earl of	Sheppard, T.
Campbell, Sir H.	Goddard, A.	Litton, E.	Shirley, E. J.
Canning, rt. hn. Sir S.	Godson, R.	Lockhart, A. M.	Sibthorp, Colonel
Cantilupe, Viscount	Gordon, hon. Captain	Long, W.	Smith, A.
Cartwright, W. R.	Gore, O. J. R.	Lowther, J. H.	Smyth, Sir G. H.
Castlereagh, Viscount	Gore O. W.	Lucas, E.	Smythe, hon. G.
Chapman, A.	Goring, H. D.	Lygon, hon. General	Sotheron, T. E.
Cholmondeley, hn. H.	Goulburn, rt. hon. H.	Mackenzie, T.	Spry, Sir S. T.
Christopher, R. A.	Graham, rt. hn. Sir J.	Mackenzie, W. F.	Stanley, E.
Chute, W. L. W.	Granby, Marquess of	Mackinnon, W. A.	Stanley, Lord
Clements, H. J.	Grant, Sir A. C.	Maclean, D.	Sturt, H. C.
Clerk, Sir G.	Greene, T.	Mahon, Viscount	Sugden, rt. hn. Sir E.
Clive, hon. R. H.	Grimsditch, T.	Maidstone, Viscount	Teignmouth, Lord
Cochrane, Sir T. J.	Grimston, Viscount	Manners, Lord C. S.	Tennent, J. E.
Codrington, C. W.	Hale, R. B.	Marton, G.	Thesiger, F.
Cole, hon. A. H.	Halford, H.	Master, T. W. C.	Thomas, Colonel H.
Colquhoun, J. C.	Hamilton, C. J. B.	Mathew, G. B.	Thompson, Mr. Ald.
Compton, H. C.	Hamilton, Lord C.	Maunsell, T. P.	Thornhill, G.
Conolly, E.	Harcourt, G. G.	Meynell, Captain	Tollemanche, F. J.
Cooper, E. J.	Harcourt, G. S.	Miles, W.	Trench, Sir F.
Coote, Sir C. H.	Hardinge, rt. hn. Sir H.	Miller, W. H.	Trevor, hon. G. R.
Copeland, Mr. Ald.	Hawkes, T.	Milnes, R. M.	Trotter, J.
Corry, hon. H.	Heathcote, Sir W.	Monypenny, T. G.	Tyrell, Sir J. T.
Courtenay, P.	Heneage, G. W.	Mordaunt, Sir J.	Vere, Sir C. B.
Creswell, C.	Henniker, Lord	Morgan, C. M.	Verner, Colonel
Cripps, J.	Hepburn, Sir T. B.	Morgan, O.	Villiers, Viscount
Dalrymple, Sir A.	Herries, rt. hn. J. C.	Neeld, J.	Vivian, J. E.
Damer, hon. D.	Hill, Sir R.	Neeld, J.	Waddington, H. S.
Darby, G.	Hillsborough, Earl of	Nicholl, J.	Walsh, Sir J.
Darlington, Earl of	Hinde, J. H.	Norreys, Lord	Welby, G. E.
De Horsey, S. H.	Hodgson, F.	Ossulston, Lord	Whitmore, T. C.
Dick, Q.	Hodgson, R.	Owen, Sir J.	Wilbraham, H. B.
D'Israeli, B.	Hogg, J. W.	Pagge, C. W.	Williams, R.
Dotin, A. R.	Holmes, hon. W. A.	Pakington, J. S.	Williams, T. P.

Wilmot, Sir J. E.	Yorke, hon. E. T.
Wodehouse, E.	Young, J.
Wood, Colonel	Young, Sir W.
Wood, Colonel T.	TELLERS.
Wyndham, W.	Frémantle, Sir T.
Wynn, rt. hon. C. W.	Baring, H.

Paired off.

FOR	AGAINST.
Andover, Lord	Powerscourt, Lord
Blackett, C.	Davenport, J.
Butler, hon. P.	Crewe, Sir G.
Cave, R. O.	Burdett, Sir F.
Colquhoun, Sir J.	Sinclair, Sir G.
Davies, Col.	Irving, J.
Dundas, D.	Marsland, T.
Edwards, Sir J.	Price, R.
Erle, W.	Ingham, R.
Ferguson, Sir R.	Somerset, Lord G.
Greig, D.	O'Neil, Gen.
Hallyburton, Lord D.	Miles, W. H. N.
Heneage, E.	Rolleston, L.
Lambton, H.	Stewart, J.
Maher, J.	Baring, hon. F.
Martin, T. B.	Ellis, John
Noel, hon. C. G.	Lowther, Colonel
O'Brien, C.	Farrand, R.
Spencer, F.	Northland, Lord
Shelburne, Lord	Herbert, hon. S.
Talbot, J. H.	Foley, E.
Walker, C. A.	Jones, W.
White, L.	Hayes, Sir E.

Absent.

Burroughes, R. N.	Morton, hon. A.
Campbell, W. F.	Jervis, S.
Dundas, J. C. (ill)	Powell, Colonel (ill)
Fitzgibbon, R. (abr.)	Pryse, P. (ill)
Howard, Sir R.	Tomline, G.
Kerr, D.	Vernon, G. H. (abr.)
Lowther, Lord (abr.)	

The bill read a second time.

Ordered to be committed *pro formâ*.

Adjourned.

HOUSE OF LORDS,

Friday, February 26, 1841.

MINUTES.] Bill. Read a second time:—Houghury Castle (Ireland).

Petitions presented. By the Bishop of London, from Great Yeldham, against any further Grant to the College of Maynooth; and from South Cliff, Lincoln, against the Encouragement of Idolatry in India.—By Lord Montague, from Rational Religionists of Kendal, for Inquiry into their principles.—By Lord Mount Edgcumbe, from Liskeard, against the Removal of the West-India Packet Station from Falmouth.

COPYHOLDS' ENFRANCHISEMENT BILL.] Lord Brougham, in moving, that the committee on the Copyhold's Enfranchisement Bill be fixed for next Thursday, said, he was anxious an early day should be fixed for the committee, in order that no delay should take place in for-

warding the bill. It had been fully discussed in the Select Committee, and he was confident, from the unanimity which had prevailed there, that it would pass through the House without any further alteration. He felt on this account perfectly secure in leaving it in the hands of the noble Lords who had taken part in the proceedings of the Select Committee, especially the noble Lord (Lord Redesdale), and his noble and learned Friends (Lords Devon and Lyndhurst), so that his (Lord Brougham), leaving town before the stage, which remained, could have no kind of effect in delaying the measure. It had been most incorrectly stated, that his being abroad last year had caused the last year's bill to be postponed, whereas it was well known, that there was ample time for it being passed after his return at the end of May, but the Chancery committee, having the same Members with the select committee on the bill, had in reality been the cause of the postponement. He was now perfectly confident that his absence could not make the least difference in the present bill passing, as every part of it had been fully discussed in the many sittings of the committee, and he regarded the adoption of the alterations by the House as quite certain.

Bill to be committed on Thursday.

HOUSE OF COMMONS,

Friday, February 26, 1841.

MINUTES.] Bills. Read a first time:—Medical Profession.
—Read a second time:—Lease and Release.

Petitions presented. By Lord A. Lennox, and Mr. T. Duncombe, from Chichester, Hadnet, and Worthing, against the Poor-law Amendment Bill.—By Mr. Hamilton, from Buckingham, for Church Extension.—By Mr. Hindley, from Ashton-under-Lyne, for an entire revision of the Commercial Tariff.—By Colonel Rawdon, Mr. Hume, Mr. O'Connell, Mr. French, and the O'Connor Don, from Carlou, Roscommon, Donegal, and other places, for the Government Irish Registration Bill.—By Lord Dalmeny, from Stirling, in favour of the Medical Reform Bill.—By Mr. Hume, from Workmen at Kilmarnock, for Extension of the Suffrage.

TURNPIKE TRUSTS.] Mr. Barneby begged to ask whether the Government intended to introduce any measure founded upon the Report made by the Commission of Inquiry into the state of Turnpike Trusts?

Mr. Fox Maule said, the Report was still under the consideration of the Secretary for the Home Department.

COUNTY COURTS.] The Earl of Lin-

coln begged leave to suggest that the Government ought to propose a resolution suspending further proceedings in the numerous Small Debt Bills that were before the House, as they were likely to be superseded by the County Courts Bill. It would save much trouble and expense to the parties concerned.

Sir R. Peel said, on a former occasion the noble Lord had benefited from a Tithe Commutation Bill prepared by him (Sir R. Peel). In the year 1837, he brought in a bill for the introduction of County Courts. He did not mean to introduce that bill in opposition to the noble Lord's; but if there was no objection in point of form, he would move that the bill be printed, in order to see if any thing could be got from it.

Lord John Russell had no objection.

LORD KEANE'S ANNUITY.] On the motion of Lord John Russell the House then went into Committee, on Lord Keane's Annuity Bill.

On the first clause,

Mr. Ewart moved that all the words after "Lieutenant-general Lord John Keane," be left out. The object of his motion was, that the pension of 2,000*l.* should be granted only for the life of Lord Keane, and not be extended to his two next surviving heirs. He begged the House to understand that in the first place he quite agreed with the noble Lord on the bench below, as to the brilliant services which had been performed by Lord Keane. The motion which he made reflected neither upon his gallantry as a soldier nor his character as a man. In the next place he coincided with the noble Lord on the general principle that the Peerage might be the reward of merit. He remembered well, and the historical memory of the noble Lord would enable him to remember better the words of Sir Robert Walpole, (in his well-known speech on limiting the Peerage) that such honours were better derived from merit, than "through the winding-sheet of some decrepid Lord, or the grave of an extinct noble family." And this was done, Sir Robert Walpole proceed to add—

"Patere honoris scirent ut cuncti viam."

But he would remind the noble Lord that Sir Robert Walpole added afterwards, that the independence of the

Peerage was best preserved by withholding pensions. It might be said, that there were three ways in which the Peerage was bestowed. It might be bestowed on men of vast property, and, in that case, it went to create the most colossal aristocracy, which had ever (as some thought), adorned, or (as others, unjustly in his opinion, thought) encumbered a country. It might also be conferred as the reward of great and eminent services, especially in the army and navy; and accompanied by a perpetual pension, as in the case of the Duke of Marlborough and the Duke of Wellington; lastly it might be conferred in cases like this, with a temporary not a perpetual pension. This course sooner or later produced a poor Peerage. A poor Peerage was apt to degenerate into a dependent Peerage, and then it assumed the character of the French peerage before the Revolution. It appeared to him that the bill combined many disadvantages under the shape in which it was then presented to the House. It gave to the descendants of Lord Keane enough to make them idle, and not enough to make them independent; it made them dependent for two generations, and paupers ever after. It bestowed on them a dignity without giving them the means of maintaining it. He confessed that he thought the bestowal of Peerages for life would be found a beneficial measure in modern times, and he was persuaded that that they were fully constitutional. But be that as it might, the grant was one which the House should not be called upon to sanction. It would be much better to give Lord Keane a large sum of money as compensation for his services, than give his posterity that false support. But he felt sure that the subject ought to be looked at in two points of view. First, what was their duty to their country? It appeared to him that as they were called upon to reward simply the personal exertions of Lord Keane, the reward should be purely personal. The next question was, what was their duty to Lord Keane. He should be rewarded; but his children, instead of being brought up in a state of splendid dependence, should be taught to depend upon their own exertions. For these reasons he felt it his duty to submit this motion to the House.

Captain Hamilton said, that although he could not agree with all that the hon.

Member (Mr. Ewart) had said, he arrived at the same conclusion. If the question were, whether any pension at all should be granted to the noble Lord who was the subject of debate, he should feel considerable difficulty to say no to it, because it might appear ungracious in the House to refuse pecuniary recompense to the gallant Officer who had received so distinguished a mark of her Majesty's approbation. Yet when the question was the amount of that recompense, he thought every Member should give his vote according to his own opinion. He regretted that he was called upon as an individual Member to give any vote at all upon this motion; and he considered it a question that did not raise the character of that most important branch of the service to which Lord Keane belonged, because although he did not for a moment question the right of the Sovereign to create any number of Peers, yet he did question the policy of pursuing that course which allowed the people out of doors, and the public generally, to suppose that the creation of a peerage, and the granting of a pension, must go hand in hand. Feeling as he did upon the subject, he should give his vote in favour of the shorter period.

Sir John Hobhouse could not say that either the hon. Gentleman who had just sat down, or the hon. Member for Wigan, had done anything more than exercise their undoubted right in questioning the propriety of the vote, and taking the sense of the House upon it. With respect to the argument urged by his hon. Friend the Member for Wigan (Mr. Ewart), he must take the liberty of saying that a good deal of what he had addressed to the House was rather a complaint that more was not given, because the hon. Member seemed to say that if the pension were granted in perpetuity there would be something like common sense in it, seeing that the Peerage was granted in perpetuity. He had also understood his hon. Friend to say the amount was not sufficient. [Mr. Ewart, No, no.] What his hon. Friend said was, that it was either too much or not enough. Her Majesty's Government in proposing a grant of this nature could only be regulated by precedent as to the amount. If his hon. Friend contended that nothing at all ought to be granted beyond the life of Lord Keane, he could then understand him; but if he said that the pension ought to be granted in perpetuity, because the Peerage

was in perpetuity, his (Sir John Hobhouse's) answer to that was, that her Majesty's Government had not thought it necessary to follow that course in the present case, but had preferred doing that which had been done in the last instance, namely, in the case of Lord Seaton. A good deal that had been addressed to the House by his hon. Friend had reference to peerages themselves, and he had stated that peerages ought only to be granted for life; but as the present peerage was granted to Lord Keane and his successors, the principle laid down by his hon. Friend could not apply. He would, with the permission of the House, mention three or four instances in which provision had been made for the successors of Peers to whom pensions had been granted. In the case of Lord Beresford, 2,000*l.* a-year was granted to him, and to his heirs male for ever. Lord Combermere had 2,000*l.* a-year granted to him and the two next successors to the family: 2,000*l.* a-year was granted to Lord Hill and his heirs for ever. In the case of Lord Lyndoch, 2,000*l.* a-year was granted to him and the holder of the title for ever; and in the case of Lord Seaton last year, 2,000*l.* a-year was granted to his Lordship and the two succeeding inheritors of the title. After mentioning those instances he thought his hon. Friend would say that, instead of making an extravagant demand, they were only asking the House to comply with an ordinary custom, and were, in fact, asking less for Lord Keane than had been granted in several former instances. The hon. Member for Kilkenny shakes his head as if denying that the services of Lord Keane ought to be compared to those of Lord Seaton, but last year, when the services of Lord Seaton were to be rewarded, he said they were nothing as compared to the services of Lord Keane and the other heroes of Guznee, now when Lord Keane was to be rewarded, his services were said to be not of so important a nature as to entitle him to the usual distinctions of such merits. If his hon. Friend conceived that even previous to the late events, Lord Keane's services had not been of the most extensive and brilliant description, he had been greatly misinformed. Since he entered the army in 1793 there was not a part of the globe in which the British arms had distinguished themselves where Lord Keane had not served. He had fought in all the great actions in Egypt. He had assisted in the taking of Martinique. He had commanded in the last American war. He

joined the Duke of Wellington just after the battle of Salamanca, and was engaged in every general action from that time, and commanded a brigade, till the close of the war at the victory of Toulouse. His long career of nearly half a century, had been crowned by the Affghan campaign. As the course now proposed had always been the usual mode of rewarding services, he considered it would be an injustice to Lord Keane not to adopt it, and unless he heard more than his hon. Friend the Member for Wigan had stated, he thought the House of Commons would not hesitate to grant to a gallant officer that which had been conceded to others under similar circumstances.

Lord Worsley could not say that the usual mode was the best possible way of rewarding public services. He thought it would be advisable to have a change, but as the grant of 2,000*l.* a year, with reversion to the two next heirs, had been proposed, he should be sorry to offer any opposition to it. It would be better, however, if it were understood, that when a grant of public money was proposed to be given to any individual, instead of continuing a pension to the heirs, to give the party so rewarded a larger sum. The only difficulty in this course was, that it would tend to create pauper Peers, but, as this would be known, the party would have the option of refusing the peerage if he pleased.

Mr. Wallace said, that the people out of doors did not care how often the Crown exercised its undoubted privilege of making Peers, but they objected strongly to the practice of conferring it upon those who could not support the peerage without putting their hands into the pockets of the people. On these grounds he should support the amendment. He was not led away by what had been said by the right hon. Baronet the President of the Board of Control. He had alluded to the services of Lord Keane. He (Mr. Wallace) did not object to Lord Keane, but he did object to his progeny; he did object to conferring this pension upon his sons. They had fought no battles for the people of England. If any Gentleman would get up and show him that these young gentlemen had fought any battles for the country, then he would reconsider the matter; but he would not consent to give the people's money to those who had done nothing for

it. He should therefore vote for the amendment, and he would see if he could not frame a resolution, upon the third reading of the bill, to recommend the present advisers of the Crown, in all time to come, to beware of giving the peerage to those who could not do without pensions also.

Mr. Hume said, the right hon. Baronet had put a construction upon what fell from him on a former occasion which could not be maintained, when he alluded to his comparison between Sir John Colborne and Lord Keane. The House was aware that at that time it was decided that Lord Keane should have no reward—that was perfectly well known. He spoke then from what was the current report. He had asked the right hon. Baronet the other evening, why this reward was conferred so long after the conferring the honour. No answer was given; but thereby hung a tale. It had been usual to reward officers connected with the East-India service—as in the case of the Marquess of Wellesley and the Marquess of Hastings—out of the revenues of India, and not out of the pockets of the people. When Ministers proposed to grant a pension to Lord Seaton, he (Mr. Hume) objected altogether to the proposed reward. He considered that his service did not entitle him to anything of the kind; that they were the most objectionable services that had ever been performed. He ought to have been brought to trial instead of receiving a reward. He allowed that the services of Lord Keane were more valuable than those of Lord Seaton, because he had served British interests in India. The Government, however, should have laid before the House the correspondence which had taken place between them and the East India House so that Parliament might be made acquainted with the negotiations on the subject. An hon. Gentleman opposite had said, that the East India Directors had expressed an opinion that it would be more to the honour of the country that Lord Keane should be paid out of the public revenue. He (Mr. Hume) did not, however, think so; because it was the East India Company that had principally benefited by Lord Keane's services. And, after all, had not those services been greatly exaggerated? It was well known that Lord Keane had attempted to take Ghuznee without battering guns, and if it had not been taken by surprise, the expedition would have been a failure. Besides, Colonel Denny was the person who had led the

storming party, and to him the greatest merit was due; and yet his claims passed unnoticed. He could produce a number of Indian newspapers containing complaints on that subject. Such publications might be treated as the right hon. Baronet had treated them, but public opinion in India was not to be so treated. All the army knew that when a retreat was sounded by mistake, Colonel Denny had rallied them and carried the fortress. And what reward was offered to Colonel Denny? The person who stood aloof had no more to do with the capture of Ghuznee, than any person in a distant country. But suppose he had, let them look to the capture of Seringapatam, to the battle of Assaye, and the achievements in Bengal. The deeds of Lord Wellesley had been ten times more brilliant than those of Lord Keane, and was there any Peerage offered or pension proposed for him? He thought, therefore, they were making a disproportionate reward altogether for such an ordinary transaction as the capture of Ghuznee. He thought it the duty of the Government to apportion rewards for military services according to their merit, and not to select the individual of all others the least desirous of them. In the second place, he objected to the system altogether of making Peers who had not the means of maintaining their dignity; but, above all, he objected to doing so when so much distress prevailed in the country. How many persons, almost in a state of destitution, would be called upon to contribute to this pension? He believed the Government had not thought Lord Keane's service worthy of this reward, or they would not have suffered so much delay to have taken place. With respect to India, he knew of no person who was raised to the Peerage for his services in that part of the world but Lord Lake; but there was no comparison between the brilliant exploits of that commander, and those of Lord Keane. Lord Lake's pension was, he believed, from the Crown. He (Mr. Hume) thought that the House, in the course it was pursuing in the subject at present under discussion, would outrage, and had outraged, the feelings of the whole Bengal army. He cared not who might state to the contrary, he knew it that feelings of dissatisfaction were manifested, both privately and publicly, in India, with respect to the proposal by Government of rewards so disproportionately great to the services of Lord Keane. That general officer would have remained Sir J. Keane

but for the capture of the fort of Ghuznee; and he had shown how little Lord Keane was entitled to the glory of that capture. There were not many rewards given for such services, and hon. Members should therefore use some discrimination in them. The present was a most inopportune period for making pecuniary grants, when their finances were in so distressed a state. They were also inverting the nature of things in this country. They ought to have a rich, independent aristocracy, and not a poor, pauper, and dependent one. It was on that principle that he offered any opposition to the present measure, and he trusted that on the third reading the House would reject the bill altogether.

Sir R. Peel said, that he would give his support to a grant of 2,000*l.* a year to Lord Keane, and he thought it was hardly fair to take exceptions to the brilliant services the noble Lord had performed. The peerage had been granted by the Crown, and ought not to be questioned, but it was not quite so clear that the East India Company ought not to pay out of the revenues of India the reward of Lord Keane's services. If the company refused to do so, then he thought that an exception ought not to be taken in this case, and, after so brilliant an affair, that Lord Keane's claim to reward ought not to be defeated. He wished, however, that Government had said to the company, that as the Crown had granted the peerage the company ought to bear the expense. That, he thought, would have been a proper and fair arrangement. It was said, that it was usual to grant these rewards from the public funds. Now, the precedents might be in favour of such a proceeding, and it might be customary to provide rewards for military service in India out of the funds of this country; but if that were so, he for one, attached as he was to ancient usage, would not object to break through those precedents, when the service had been done for the advantage of the company. He thought it was right that the Crown should grant a peerage; but, had the company insisted on the honour, which they now seemed to throw upon the country generally, he would have been equally ready, and with equal magnanimity, to yield to their wishes. In saying so, he certainly had no intention of detracting from the merits of Lord Keane's services. In viewing the services of the noble Lord, they ought not to consider merely the

taking of a particular fortress, but to bear in mind also the important consequences which attached to and followed his success. He thought the determination of Lord Keane to advance under the peculiar circumstances in which he was placed did him as much, if not more credit, than the capture of Ghuznee. When the hon. Gentleman, the Member for Kilkenny, last year thought the Government had no intention to reward Lord Keane, he had detracted from the merits of Lord Seaton, and held up Lord Keane as far more entitled to a pension. The moment, however, that it was proposed to reward Lord Keane, then he said "a certain secret, which was known to the whole of India, ought to prevent a reward from being granted, as Lord Keane had no credit in the capture of Ghuznee, and that all the credit was due to Colonel Denny." The facts, however, remained the same, and how the hon. Gentleman could reconcile his statement last year with his present statement, he was certainly at a loss to know. Last year he had praised the brilliant services of Lord Keane, and now he said that all India would be indignant if a reward were granted to that noble Lord. For himself, had Lord Keane performed no other services than those which he performed in India, he should have been prepared to agree to this reward. The hon. Gentleman had moved for certain papers relative to the services of Lord Keane; and if it appeared from those documents that he had been long and actively engaged in the service of his country—that he had run through a brilliant career during forty years, he thought that it would be rather hard for the hon. Gentleman to say, that Lord Keane's services were not entitled to consideration. Rewards, he acknowledged, of this description, ought to be granted sparingly; but he should be sorry in the present instance to see an exception made to the general practice. He thought, however, as he had at first stated, that the company ought to have paid the reward; and he hoped it might not yet be too late for them to participate in the honour which his country was disposed to bestow upon Lord Keane.

Sir J. Hobhouse said, in reference to the complaint of Major Denny and Colonel Thompson having been passed unnoticed, it did so happen that Lord Keane, in his despatches, did mention in express

terms the gallantry of Major Denny; and, with respect to Colonel Thompson, he himself had had the honour of recommending that gallant Officer for promotion to the dignity of a knight companion of the Bath.

Mr. Hume explained, that if he had known all the circumstances at the time he extolled Lord Keane, he would not have done so.

Mr. Hogg was not surprised that the right hon. Baronets suggestion should have met with a favourable reception from the House. It was very easy, and very agreeable too, to be liberal with other peoples money, but that was a description of generosity to which the directors of the East India Company made no pretension. They admitted as freely as the right hon. Baronet the distinguished services of Lord Keane, and that he had well merited the peerage which had been bestowed upon him; but they did not admit that the pension for the due maintenance of that dignity should be paid from their resources. They were bound to administer with liberality, but at the same time with becoming frugality the revenues derived from the people of India, and he maintained that if they consented to pay this pension, they would be extracting from the pockets of the people of that country money, which they were not in any point of view bound to pay. He would be able to prove this both from principle and precedent. He did not consider that the honor of the peerage had been conferred on Lord Keane solely for the capture of Ghuznee. That noble Lord had rendered great and distinguished services to his country in Egypt, in the West Indies, in America, on the peninsula, and in every quarter of the globe, and the capture of Ghuznee was only the consummation of his military glory. The only case he recollected in which a peerage had been bestowed for services performed in India, was that of Lord Lake. There the services performed were peculiarly Indian, and their locality was strongly marked by the grant of the pension having been made retrospective and payable from the date of the battle at Delhi. That pension was granted by Parliament, and no one contended that it ought to have been paid from the resources of India. Was there any man, however, in this House, who would say that the capture of Ghuznee and the campaign in Afghanistan were purely Indian? What,

had they no reference to, and no bearing upon European policy? Have they not notoriously mixed up with our Persian relations and our apprehensions of Russian intrigue and aggression? With these considerations present to his mind, he contended that instead of the East India Company being called upon to pay this pension, they might fairly call upon this House to defray half the expenses of the campaign in Afghanistan. He begged further to remind the House, that while our civil and military establishments in every other British possession and colony had been maintained at great expense to the mother country, every such establishment in India had been paid for by the people of that country. He did not say it was unjust that such expences should be borne by them, he thought it was fit and proper that it should be so; but it was carrying the matter rather too far to require them to pay the pension of a distinguished military officer who had served his country throughout the world for nearly half a century because he had consummated his military glory by the capture of Ghuznee, an exploit as much mixed up with European politics, as if the battle had been fought within the confines of Europe. He disclaimed the imputation of illiberality cast upon the East India Company by the right hon. Baronet and believed it was novel. He had heard that body charged with imprudence and extravagance, but this was the first time he had ever heard them charged with illiberality. He did not, however, complain; on the contrary, he felt pleased and gratified, and could not resume his seat without expressing his thanks to the right hon. Baronet for throwing upon the directors of the East India Company an imputation so likely to render them popular, and which could not fail to be construed as only evincing on their part due discretion and proper frugality, in administering the revenues of the Indian empire.

Mr. Aglionby felt himself bound, as one of those who had the care of the public money, not to be too generous in giving it away. He hoped the Government would withdraw this clause for the present, for the purpose of seeing whether the East-India Company would adopt the suggestion of the right hon. Baronet, the Member for Tamworth. The course the Government had taken was neither justified by liberality nor economy. He should

vote against the grant to the next two in succession to Lord Keane.

Sir Charles Burrell supported the vote. Those who objected to it did not consider the importance of the East India possessions to this country. He thought this reward was well merited, and he should, therefore vote in favour of it.

Mr. Muntz objected to the grant. He thought if they had done wrong on one occasion it was no reason why they should continue to do so. He would never vote to tax future generations. He should vote for the amendment, because he could not do better.

The Committee divided on the question, that the words proposed to be left out stand part of the clause:—Ayes 177; Noes 74:—Majority 103.

List of the AYES.

Acland, Sir T. D.	Gladstone, J. N.
Adam, Admiral	Gordon, R.
Alston, R.	Goulburn, rt. hn. H.
Archbold, R.	Grattan, J.
Bailey, J. jun.	Grattan, H.
Baring, rt. hon. F. T.	Grey, rt. hon. Sir G.
Blackburne, I.	Hamilton, Lord C.
Blair, J.	Heathcote, Sir W.
Blake, W. J.	Herries, rt. hn. J. C.
Botfield, B.	Hobhouse, rt. hn. Sir J.
Bramston, T. W.	Hodgson, R.
Broadwood, H.	Hogg, J. W.
Buck, L. W.	Holmes, hon. W. A.
Buller, E.	Holmes, W.
Buller, Sir J. Y.	Hope, hon. C.
Burrell, Sir C.	Howard, hon. C.W.G.
Campbell, Sir H.	Hughes, W. B.
Chetwynd, Major	Ingestrie, Viscount
Chichester, Sir B.	Inglis, Sir R. H.
Clay, W.	Jackson, Mr. Sergeant
Clerk, Sir G.	Jenkins, Sir R.
Clive, hon. R. H.	Kirk, P.
Cochrane, Sir T. J.	Labouchere, rt. hon. H.
Cole, hon. A. H.	Lennox, Lord G.
Compton, H. C.	Lennox, Lord A.
Cowper, hon. W. F.	Lincoln, Earl of
Crawford, W.	Listowell, Earl of
Dalmeny, Lord	Lockhart, A. M.
Dalrymple, Sir A.	Lowther, J. H.
Douglas, Sir C. E.	Mackenzie, T.
Douro, Marquess of	Mackenzie, W. F.
Dunbar G.	Manners, Lord C.S.
Egerton, W. T.	Maunsell, T. P.
Eliot, Lord	Mordaunt, Sir J.
Estcourt, T.	Morgan, O.
Evans, Sir De L.	Morpeth, Viscount
Fielden, W.	Nield, J.
Ferguson, Sir R. A.	Peakington, J. S.
Fitzalan, Lord	Palmer, G.
Fitzroy, Lord C.	Parker, M.
Fleming, J.	Parnell, rt. hon. Sir H.
Fremantle, Sir T.	Peel, rt. hon. Sir R.
Gladstone, W. E.	Perceval, Colonel

Polhill, F.
Protheroe, E.
Rae, rt. hon. Sir W.
Roche, W.
Rose, rt. hon. Sir G.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord J.
Scarlett, hon. J. Y.
Sheil, rt. hon. R. L.
Shirley, E. J.
Smith, R. V.
Stanley, hon. E. J.
Stanley, Lord
Stuart, Lord J.
Stuart, W. V.
Stock, Mr. Serjeant

Style, Sir C.
Sugden, rt. hon. Sir E.
Tufnell, H.
Vere, Sir C. B.
Vivian, rt. hon. Sir R. H.
White, H.
Whitmore, T. C.
Wood, Colonel
Wood, Col. T.
Worsley, Lord
Wyndham, W.
Yates, J. A.
Young, J.
Young, Sir W.
TELLERS.
Seymour, Lord
Parker, J.

List of the NOES.

Acheson, Viscount
Aglionby, H. A.
Ainsworth, P.
Baines, E.
Barneby, J.
Beamish, F. B.
Berkeley, hon. C.
Bewes, T.
Bowes, J.
Bridgman, H.
Brodie, W. B.
Brotherton, J.
Brownrigg, S.
Bruges, W. H. L.
Chalmers, P.
Collier, J.
Currie, R.
Dennistoun, J.
Duncombe, T.
Ellis, W.
Evans, W.
Fielden, J.
Ferguson, Colonel
Gillon, W. D.
Gisborne, T.
Hall, Sir B.
Hawes, B.
Hector, C. J.
Hindley, C.
Howard, P. H.
Hume, J.
Hutt, W.
Johnson, General
Jones, J.
Langdale, hon. C.
Leader, J. T.
Lister, E. C.
Lushington, C.
Marshall, W.

Marsland, H.
Melgund, Viscount
Morris, D.
Muntz, G. F.
Parker, R. T.
Pattison, J.
Pease, J.
Pechell, Captain
Philips, M.
Redington, T.
Richards, R.
Rundle, J.
Salway, Colonel
Scholefield, J.
Sheppard, T.
Stansfield, W. R. C.
Staunton, Sir G. T.
Steuart, R.
Stewart, J.
Strickland, Sir G.
Strutt, E.
Thornely, T.
Tollemache, F. J.
Turner, E.
Turner, W.
Villiers, hon. C. P.
Wakley, T.
Wall, C. B.
Wallace, R.
Warburton, H.
White, A.
Wilbraham, hon. B.
Williams, W.
Winnington, Sir T. E.
Wood, B.

TELLERS.

Ewart, W.
Hamilton, C. J.

Other clauses agreed to.
House resumed.

EAST-INDIA RUM.] On the motion of Mr. *Labouchere*, the House went into Committee on the East-India Rum Duties' Bill.

Dr. *Lushington* said, that it was not his

intention to offer any remarks upon the bill in its present stage. He would reserve what he had to say until he had seen all the papers upon the subject.

Mr. *Labouchere* wished the House to understand that although it was intended to put rum, the produce of the sugar cane in the East Indies, upon the same footing as that produced in the West Indies, it was not intended to apply the principle to spirits generally. Upon clause 3, he proposed to add words, giving to the Governor-general the power of making regulations for the purpose of preventing frauds. He had considered the matter very attentively, and found it impossible to undertake to constitute a machinery for that purpose, at least until they had seen what regulations were adopted by the Governor-general, and how far they were successful.

Mr. *Hume* quite agreed with the hon. Gentleman on that subject. He thought that every colony should be left to make its own regulations on these subjects. But he could not help regretting that the Government were higgling about the spirits to which the proposed equalization should be extended. Why not admit all spirits? He had hoped that a more liberal policy would be pursued, and that they would be prepared to take from India every article which they required for home consumption. It appeared to him a very insane restriction. The people of India were as much the subjects of her Majesty as we were, or those in the West Indies, and there ought to be no restriction on the intercourse or the free interchange of produce between all. The talk of East-India interests and West-India interests had been the bane of this country. He hoped the right hon. Gentleman would introduce a clause opening the trade to all spirits made in India.

Mr. *Labouchere* hoped the House would confine itself to the question then before the House. He had introduced the bill as one affecting rum only, and he would think he was committing a breach of faith were he to agree to the suggestion of the hon. Member. He had the question of free intercourse as much at heart as the hon. Gentleman, but he thought the present was not the time to go into the large questions that would be opened up were he to consider the question of India spirits generally.

Mr. *Goulburn* suggested that some clause

ought to be introduced, in order to secure that no rum but that the produce of the sugar cane was introduced under this bill. He had prepared clauses for that purpose, and if the bill should go through Committee, he would communicate them to the right hon. Gentleman, and move them at a future stage.

Mr. *Labouchere* did not think there was any necessity for the introduction of such provisions. The Customs were of that opinion, and he thought it would be better to leave all the regulations on the subject to the Indian Government. Everybody knew that rum was exported from England to the Continent, and that three-fourths of that was British spirit. Now, all he desired was, that that superintendence should be exercised over the manufacture of rum, which would effectually guard against those abuses which they professed to guard against.

Mr. *Hawes* protested against the whole line of argument adopted in the present discussion. The right hon. Gentleman (Mr. Goulburn) looked to his own especial interest, and not to that of the public. Because, if it was the interest of the public to have the right hon. Gentleman's rum, it was also their interest to have it cheap. He considered that what was now proposed was a most useful step. The excise regulations were more stringent in the East Indies than in the West, and he quite agreed with the right hon. Gentleman, the President of the Board of Trade, that they should be put on an equal footing. He was told the right hon. Gentleman, the Member for the Tower Hamlets, meant to bring a motion before the House with respect to the subject of slavery; when that motion was brought forward it would be seen, that free labour was a far greater source of profit than slave labour. He found in the clause the words "British protection." Now, were not all those places to which the bill referred to be considered as dependencies of the British empire? Were they not all governed by officers of the British Crown, and why should the people there not have the benefit of their protection.

Mr. *Goulburn* denied his advocating the interest of the West Indies further than it coincided with the interest of the public generally.

The *Chancellor of the Exchequer* thought they might meet all the objects proposed to be gained by the clause without adopt-

ing the very words of it. He certainly had some objection to the right hon. Gentleman's clause being adopted in its present state. He thought, that whatever should be done agreeably to what was suggested in the clause should be done in India. He was satisfied that a discretionary power should be vested in the Privy Council in this country, which could occasionally be brought into action. He could not consent to any words limiting the mode in which their objects were to be carried into effect, and consequently to the words proposed, he had a strong objection.

Mr. *Warburton* hoped no words would be introduced into the bill, subjecting the produce of the sugar cane to any other restrictions than those on West India produce. He thought that any prescription as to the mode in which the Governor-general of India should carry these objects into effect would be injurious to the East India interests; and he thought this would be the effect of the words proposed by the right hon. Gentleman. All he (Mr. Warburton) wished was, that the restrictions on the produce of both countries should be precisely the same.

Mr. *Palmer* thought, that if this equalization of duty took place, the West-Indies were in justice entitled to the removal of certain restrictions under which they laboured, such as the prohibitory duties on timber and provisions.

Mr. *Sheil* said, their object was to introduce East India rum at the same duty as the rum of the West-Indies, but to have security that it should be the produce of the sugar cane. The question was, how could they obtain that object? It appeared to him that the means must be left with those who were most conversant with the country.

Mr. *Hogg* agreed in all that had been said respecting the understanding that the duty on sugar being equalised, the duty should be also equalised on rum, being the produce of the sugar cane.

Mr. *Labouchere* said, that he would endeavour to meet the views of the right hon. Gentlemen opposite.

Clause agreed to with amendments.

Bill reported, with amendments. House resumed.

HULL DOCKS.] Mr. *Hutt* moved, that the minutes of the evidence taken during the last Session of Parliament before the

committee of the Hull Docks be laid before the House and printed. The subject was more of a public than a private nature; and he, therefore, hoped the House would not refuse his motion.

Mr. *Sheil* thought it would be of much use to the public to have the evidence in question printed, because it involved a saving, perhaps of 6,000*l.* or 7,000*l.* a year to the State.

Mr. *Goulburn* deprecated the practice of printing evidence before private bill committees, except in special and particular cases. It was fraught with evil consequences.

Motion agreed to.

MUNICIPAL COUNCILS.] Mr. J. A. Smith moved for leave to bring in a bill to enable Municipal Councils to raise money by granting annuities, and to apply the same in payment of old debts.

Mr. *Goulburn* opposed the motion, which, after a few words from

Captain *Pechell*, was withdrawn.

HOUSE OF LORDS,

Monday, March 1, 1841.

MINUTES.] Petitions presented. By Lord Montague, from Leverton, for the Liberation of Mr. Baines, and the Abolition of Church-rates.—By the Bishop of Exeter, from Carlow, against any further Grant to Maynooth College.

HOUSE OF COMMONS,

Monday, March 1, 1841.

MINUTES.] Bills. Read a first time:—Drainage of Lands; Registration of Voters (Scotland).—Read a second time:—County Bridges.

Petitions presented. By Lord Morpeth, Mr. Blake, Mr. Wyse, Mr. Grattan, Mr. O'Connell, Mr. P. Somers, and others, from Sligo, Donegal, Waterford, Galway, and other places, for Lord Morpeth's Irish Registration Bill.—By Sir R. Bateson, and others, from Down, Monaghan, and other places, in favour of Lord Stanley's Irish Registration Bill.—By Mr. Wallace, from Greenock, against meddling with Church matters.—By Mr. J. O'Connell, from Liverpool, for a Repeal of the Union.—By Mr. H. Drummond, from the Presbytery of Meigle, for the Better Observance of the Sabbath.—By Sir H. Vivian, from Cornwall, in favour of Medical Reform, and against the choice of Poor-law Doctors by Tender.—By Mr. B. Baring, from places in Staffordshire, against any Grant to the College of Maynooth, and for the Exclusion of Roman Catholics from Office.—By Mr. O. Gore, jun., from Carnarvon, praying for Extended Religious Instruction.—By Mr. Labouchere, and Mr. G. W. Wood, from Manchester, and Pimlico, in favour of, and by Mr. Brotherton, and Mr. M. Phillips, against, the Copyright of Designs Bill.—By Sir R. Peel, Sir R. Inglis, Sir J. Y. Buller, and others, from Bedford, Stafford, Somerset, and other places, for Church Extension.—By Mr. T. Duncombe, Mr. Bryan, Lord F. Egerton, and others, from Finsbury, Kilkenny, Salford, and other places, against the Poor-law Amendment Act.

CAPTURE OF THE CAROLINE.—LIEUT. M'CORMICK.] Sir *J. Graham* begged to delay the noble Lord (Lord John Russell) for a moment, while he took the liberty of asking him a question or two, in reference to the Navy Estimates that were about to be brought under discussion this evening. In the year 1839, his hon. Friend the Member for the University of Oxford, and his hon. and learned Friend the Member for the city of Oxford, asked the noble Lord whether it was the intention of her Majesty's Government to grant any pension to Lieutenant M'Cormick, of the royal navy, on account of his services in the seizure of the American steamer *Caroline*. At that time the noble Lord stated, that the Government had come to no resolution upon the subject. Now he found by the navy estimates, which were about to be referred to a committee of supply this night, that a pension had been granted to Lieutenant M'Cormick for wounds, as it was alleged, received in the service. He wished to ask the noble Lord, what particular service it was in which the wounds were received for which the pension was granted; what was the date of the Order in Council granting it, and whether the noble Lord had any objection to lay a copy of the Order on the Table of the House?

Lord *John Russell* said, that he would answer the questions of the right hon. Gentleman as precisely as he could. The services on account of which Lieutenant M'Cormick had been recommended for a pension to the Lords of the Admiralty, were performed by him under the command of the superior colonial authorities, in the capture of the *Caroline*. That recommendation had been made to the Lords of the Admiralty, at the commencement of the last year. He thought it was in January that the decision was made to grant the pension. He had no objection to produce the Order before the House.

PARLIAMENTARY VOTERS (IRELAND).] Lord *John Russell* said, he was about to state, when the right hon. Gentleman interrupted him, the intentions of her Majesty's Government with respect to the bill of his noble Friend, the chief secretary for Ireland. He had thought, that that was a subject which required some further consideration, and he was not prepared on the night of the division, without that fur-

ther consideration, to state the intentions of the Government. As it was a matter of so much importance, the House would, he felt confident, allow him to state in a few words the reasons which would induce him to take the course he was about to state to the House. The first consideration related to the general business of the House; and, with respect to that subject, they had to consider that they were now arrived at the first day of March, and that the estimates had yet to be considered, and that the supplies for the present year were open to considerable debate. It was impossible to say how long the discussions on going into committee of supply, and the debates on the estimates might occupy the House. It was likewise to be considered, that it would be very inconvenient to fix the committee for a bill of the nature referred to for some day on which it could not be conveniently brought forward, in consequence of the estimates not having been previously concluded. It would likewise be very inconvenient, many Members being at a distance, if the House should be summoned just immediately preceding Easter, when very few would be disposed to attend the House, and when any debate in committee could only lead to further postponement. These (continued the noble Lord) are considerations affecting the general business of the House as relates to the present bill; but there are other considerations relating to the bill itself. If I were to consider merely the division which took place on Friday morning last, and the 296 Members who were present to vote against the second reading of my noble Friend's bill, I should be disposed to consider, were I to look to that circumstance alone, that the measure was one which could not in its subsequent stages obtain the assent of the House. But the debate on that second reading would lead me to a very different conclusion. There were several Members who, in stating their determination to vote against the second reading of the bill, did not dissent from what I consider the general principle on which it is founded—namely, that it is advisable to endeavour to fix, by some clear and simple method, the franchise for Ireland, and at the same time to amend and correct the registration laws in that country. Neither was it denied by several hon. Members, who voted against the second reading of the bill, that the Poor-law rating stated by the Duke of Wellington and Lord Lyndhurst, to be the very best test, and the only one on which

they could accept the Municipal Corporation Bill, would likewise form the criterion and best test of the right to vote at parliamentary elections. With respect, therefore, to the adoption of this general principle, although those hon. Members so far considered the amount stated in the bill to form a part of that principle sufficient to induce them to vote against the second reading, yet I see no reason to conclude, from the opinions thus stated, that such Members would be indisposed to consider the bill fairly in committee. But, in order to fix the amount of the franchise, I quite concur in the opinions that were stated the other night, that it would be desirable, before the House came to a positive determination upon that point, that further information upon the valuation should be obtained. I am surprised at the feeling and sentiment which this announcement seems to create in hon. Gentlemen opposite, because I see on the benches opposite several hon. Gentlemen who spoke during the late discussion, and who made it almost the main gist of their argument, that [before they could agree to the 5*l*. test it was absolutely necessary that they should have further information with regard to the valuations made in the Poor-law unions. I thought, that when I was stating a proposal for the purpose of satisfying that appetite for information which was so strongly evinced by hon. Gentlemen opposite, the other night, I should have met with their approbation and support; and I confess I am surprised, that that appetite should all of a sudden have died away. However that might be, I certainly consider it my duty, in conjunction with my noble Friend, the Secretary for Ireland, to endeavour to obtain any further information that can be furnished as to the mode in which the valuation has been conducted and fixed in Ireland, and I think it desirable that a general estimate should be obtained of the percentage which that valuation bears below the real value of the property. I do not think there would be any great difficulty in the course of no very long time to obtain that result. I think, likewise, that it is of the utmost importance, that the House should come to a calm and deliberate consideration of this question. I think that either the forcing, on the part of the Government, the assent of the House to that particular amount of qualification which they think to be best, and which they see no reason to alter—I say, that either the precipitate and imperative forcing on such a

proposition on their part, or on the other side the peremptory and abrupt rejection of it, would be equally unjustifiable. It is a question not merely affecting this bill, but one very much concerning the whole of the interests of Ireland; and whoever may be the party who should bear the blame of prolonging in Ireland from year to year, that state of excitement and agitation which at present exists there, will, in my opinion, incur a deep responsibility, both to Ireland and to the country at large. Upon these considerations, therefore, it appears to her Majesty's Government, that it is necessary and advisable for us to postpone this bill; but not to postpone it beyond the period in which it can be fully considered and passed in the course of the present Session. I shall propose, therefore, to take the discussion in committee in the first week after the Easter holidays. I propose, that the order of the day be now read for the purpose of its being postponed till Friday, the 23rd of April. I see the right hon. Gentleman, the Member for Montgomery, and some other hon. Members, seem to think that an unreasonable proposal. My own opinion is, that if it is intended to force on the discussion of this question, without due consideration, those who are instrumental in doing it will wound and disappoint the feelings of the people, and incur a deep responsibility to the country.

Lord Stanley: I must confess that I share largely in the surprise which has been expressed by my hon. Friends around and behind me, at the proposition made by the noble Lord, and the course which it is intended to pursue on the part of the Government. Not that we do not think—for we have avowed and declared it—that the information on which the noble Lord intended to proceed with his bill was so meagre and so inconclusive as to be wholly insufficient for the foundation of a measure of this vast importance—not that we do not think that the information, so far as it went, in its meagreness itself, tended directly to negative the principle and the propositions of the bill of the noble Lord; but this is the astonishment I, at least, feel, that upon a subject of this immense importance, and while the noble Lord himself presses upon us the importance of giving it the greatest consideration, the greatest deliberation, and the greatest caution—at the commencement of the Session, and before any notice had been given from any quarter, her Majesty's Government should have ventured to submit to the con-

sideration of the House a detailed proposal for a measure of this extent, involving such interests, exciting such hopes and anxieties, and that at the expiration of one fortnight from that time they should come down to the House and tell you that the information they have given you—all the information they themselves possess—[*an ironical cheer from the Government Benches.*] Is it not all the information which they themselves possess? I assume that the Government, in giving us the information they have furnished, have given us all that it was in their power to furnish. If they have not, they have deluded and deceived the House in calling upon Parliament to sanction a measure not only upon evidence confessedly imperfect, but upon evidence confessedly more imperfect than it was in their power to give. But I will assume that they have no more evidence, and then I say, for a Government, after talking about the caution and deliberation necessary to be observed upon a measure of this sort, it does seem to me the height of rashness to come forward with such a measure, and submit it in the form of a proposition, to be supported by the Government upon information which they now tell you they feel to be insufficient to guide the decision or to sanction the vote of this House. The noble Lord having admitted, and having contended almost as strenuously as I did for the removal of the evils involved in the system of registration; and feeling that there was a still greater evil, namely, the uncertainty of the law, and if there was an evil greater even than that, it was the restriction of the franchise, I naturally concluded that the noble Lord, having had the recess to consider this matter, and having consulted with his colleagues, and having brought forward a bill which had received the sanction of the Cabinet, and which was a Government measure, would be prepared to vindicate and defend the propositions they had avowed and put forth as the foundation, as the principle, and, as the right hon. Gentleman the Secretary of War had said, the very essence of the measure itself. And I must not permit the noble Lord even to take notice, as he has done, of statements which may have been made on this side of the House without pointing out the broad difference between the way in which those statements were made, and the way in which the noble Lord would represent them. He tells us that it has been admitted that the Poor-law valuation would be a most desirable test of the franchise. I

tell him that in the sense in which it is made the test of the franchise in this bill no such admission was made or will be made, because the basis of this bill is the excluding altogether the test of that 10*l.* profit which was the very basis and foundation of that measure which, on this very day ten years, the noble Lord for the first time submitted to the consideration of Parliament. He altogether excludes from his bill the consideration of any profit above the rating, and he substitutes the mere amount of rating to which a pauper may be liable for that profit which is now required as the basis of the franchise. We have stated on this side as a test the net annual value of the property, the difference between which and the rent paid, is the amount of the beneficial interest; and that a rate subjecting a party to taxation in respect of the same property in right of which he claims, is a valuable check and an important element of consideration. It is an important element as to the value of the property held, but unless there be combined with that valuation the amount paid for holding it, it is no test whatever whereby to regulate the franchise. I came down prepared to give the noble Lord notice, which the noble Lord's long postponement of his bill shall not induce me to withhold, that upon going into committee, which I am desirous to do without any delay, for I am ready to meet the noble Lord, my objection not being founded upon the information which the noble Lord has either given or withheld—it is my intention to take the sense of the committee upon those clauses of the bill which give a 5*l.* rating franchise in the counties, and a 5*l.* household franchise in the towns. I now state to the noble Lord that it is my intention, whenever he may go into committee, to take the sense of the House upon these two leading principles of the bill. I have stated to the noble Lord that the course which I might take was mainly depending upon the course taken by the noble Lord himself. I give the noble Lord great credit for the ingenuity he has shown in this long postponement. He has at his disposal now, for the next five or six weeks, from ten to twelve order days. The main principles of the bill are contained in the first, second, and third clauses, and yet the noble Lord tells you that neither of these ten order days, over which he has absolute control, can he fix on, but must postpone the committee for two months, thereby placing his bill, and still more, placing my

bill, at a period of the Session in which it will be very difficult for me to avoid being defeated by the mere lapse of time. I do not hesitate to say, that I entertain great suspicion as to the motive which has induced the noble Lord to take this step. At the same time the noble Lord, in taking this course, is well aware of the disadvantage to which he subjects me by endeavouring to compel me to press forward the second reading of my bill at a time when the noble Lord would inform the House most plausibly that he has had the second reading of his bill sanctioned by a small majority, and that he is waiting for further information at the earliest period to be laid before him. I see the ingenuity of the noble Lord's course of proceeding; and seeing the ingenuity of that course of proceeding, and giving the noble Lord notice of the opposition which I mean to give to the two leading principles of his bill, I will not, under the surprise which this course, taken by the Government, has caused to me, as it has to my hon. Friends around me, bind myself absolutely to any day for the discussion on the second reading of my bill. This I will do. I will postpone the order from this day to the 24th of March, and within ten days from the 24th of March I will give to the noble Lord a distinct information, whether, upon full consideration of all the circumstances, it is or is not my intention on that day to press forward the second reading of my bill.

The Order of the Day for going into Committee on the Irish Parliamentary Voters Bill was read, and postponed till the 23rd of April.

EGYPT AND SYRIA.] Lord John Russell moved the Order of the Day for going into Committee of Supply.

Mr. *Hume* begged to move for the return of which he had given notice, and which he thought the more important, seeing that it was intended to move for a very large additional force, in the course of the evening. The hon. Member then moved for “An Address to her Majesty, that she will be graciously pleased to direct, that there be laid before this House copies or extracts of the correspondence between the Secretary of State for the Foreign Department, and the Governments of France, Austria, Prussia, Russia, and Turkey, since 1838, respecting the Pacha of Egypt, and the inter-

ference with the province of Syria."—
Agreed to.

POST-OFFICE REVENUE.] Mr. Goulburn was anxious to take the opportunity which the presence of the Chancellor of the Exchequer afforded him, to ask the right hon. Gentleman a question with reference to an account some time since presented to this House, of the net produce of the Post-office for the last year. By a return presented of the net amount of Post-office revenue for the last year, it would appear, that the amount was 447,000*l.*, which, as compared with the revenue of the Post-office for the previous year, exhibited a deficiency of 1,200,000*l.* He had reason to apprehend, that that presented altogether a fallacious view of the matter, under the new system of the Post-office revenue, and the question he wished to ask the right hon. Gentleman was, whether that view of the subject was correct in connection with the statement he was about to make? Of that 447,000*l.* which had been paid into the Exchequer, a considerable portion was the revenue derived from official correspondence, and that having been voted by the House, was, in fact, not a receipt of revenue, but merely a payment on the one side, and a receipt on the other. They had on the Table a statement of what had been a month's receipt on account of official correspondence, which amounted to about 16,000*l.*, and it would, therefore, be evident to the House, that the official correspondence for twelve months, would amount to nearly 200,000*l.*, which must be deducted from the 447,000*l.* But there was another great item of deduction to be made. It appeared, that on the 1st of January, 1840, the unpaid balance in the hands of the collectors of revenue, amounted to little short of 200,000*l.*, and it was quite clear, that the balance in hand, under the new system, must be as nothing compared with the former balances and, therefore, a further deduction on account of these unpaid balances must be made. Having made these two deductions, the result would be, that instead of 447,000*l.* the balance to the public credit would be little more than 40,000*l.* or 50,000*l.*, arising from last year's Post-office arrangement. He wished to ask the right hon. Gentleman whether that was not a correct statement of the case, and whether the loss sustained by the Post-office revenue was not as great as he had represented it?

The Chancellor of the Exchequer said, if the right hon. Gentleman had waited a little he would, in the course of a day or two, have had the information laid on the Table of the House which he was so anxious to obtain. The Member for Harwich had moved for returns which would show what was fairly to be taken as the amount of the revenue derived from the Post-office under the new system. He was perfectly correct in supposing, that the Exchequer returns included all the postage of official as well as private correspondence. Hon. Gentlemen seemed to be under the impression, that all they received, before the present system was introduced, was clear postage, exclusive of official correspondence. But that was not the case; before the new law was passed, there were numerous documents of an official character passed through the Post-office; and, so far as the Exchequer returns went, therefore, they were, *pro tanto*, swelled by the amount of those official payments. Whether the amount of official postage, under the penny rate, was larger than under the old rates of postage was another question. He believed it would be found, that instead of about 200,000*l.* being paid for official postage (as stated by the right hon. Gentleman), the whole year's amount would be about 70,000*l.* He believed, that about 40,000*l.* used to be paid under the old rates of postage for official documents, so that the increase would be about 30,000*l.* With respect to the balances received from the collectors, there was no doubt, that during the corresponding quarter of 1840 there was a greater amount received from balances remaining in the hands of receivers under the old revenue, consequently the present quarter of this year would not show so favourably as the corresponding quarter of last year. On the other hand, he ought to state, that larger balances were obliged to be left in the postmasters' hands, on account of the extensive operation of the money-orders system.

Order of the Day read for a

COMMITTEE OF SUPPLY—NAVY ESTIMATES.] On the motion that the Speaker do leave the Chair,

Mr. Hume said, it was his intention to have submitted some resolutions respecting the deficient state of the revenue, as compared with the expenditure; but he thought it would be better to hear what the Government had to say to warrant so large an increase as was now proposed in

the expenditure of the navy under the circumstances in which they were placed. It was perfectly well known, that for the last four years, the revenue had been deficient as regarded the expenditure, in round numbers, four millions sterling. The returns made on the motion of the hon. Member for Harwich, showed the irregular manner in which this deficiency had been provided for, and that the payments had been effected without the question ever coming under discussion in this House as to the way in which the money had been furnished. But the point to which he wished the attention of the House should be directed was, that the present estimates for the army and navy exceeded by three and a quarter millions those of 1836. They had gone on gradually increasing them since that time, notwithstanding the distressed state of the country. The revenue, up to April 8th, was exactly 283,000*l.* less this year than it was last year, notwithstanding the increased taxation. One of these things must consequently follow, either the new taxation had failed, or some mistake had taken place with regard to the accounts brought up. It was not possible to believe, that in the whole customs department and the whole excise department with an addition of 5 per cent., and with an addition of 10 per cent. on the assessed taxes, there should be a deficiency this year of 283,000*l.* He thought the Government ought to provide some way of supplying the deficiency, and not go on adding loan after loan, in order to provide for this great expenditure. It appeared to him the House ought to consider if there was any necessity for continuing this large expenditure at the present moment. They had secured what the noble Lord and his colleagues had gone so madly about in Syria (for a great part of this expense had been incurred there), and they had been told by the Queen's Speech that their object was attained. If so, clearly there ought to be a decrease in our expenditure, instead of which there was a considerable increase to be voted for our naval and military force, amounting in numbers of men to 6,000, making altogether 41,000 seamen and marines. He had, as he had said, brought down some resolutions to submit to the House, but it had been suggested to him it would be better to hear the Government statement, and then to print his resolutions, and take the sense of the House upon them. He was determined to submit his propositions to the House, unless

he heard to-night some very satisfactory reasons to the contrary.

House in Committee.

Mr. *More O'Ferrall* rose to bring forward the navy estimates. Before stating those of this year he had to request the attention of the committee to the balance sheet of naval expenditure for the financial year which terminated on the 31st March, 1840, which showed an excess of expenditure beyond the sum voted amounting to 29,694*l.*, and he should first have to propose to the committee to make it up by a vote for that amount. As that was the first occasion on which it became necessary to make such a motion since the passing of the act for the reform and alteration of the civil departments of the navy, it was right to state to the committee the regulations which rendered it necessary. Previous to the enactment of the 1 and 2 William 4th, cap. 40, the unexpended balances at the end of each financial year, remained in the Exchequer to the credit of the naval service, and were expended by the Admiralty, either to meet an excess on any particular year, or for any other purpose deemed beneficial to the public service; out of these accumulated balances the extensive victualling premises at Weevil and Cremill were erected, without the knowledge or sanction of Parliament. This was deemed to be a great abuse, and was strongly commented on by the right hon. Baronet, the Member for Pembroke, who, when he became first Lord of the Admiralty, announced his intention of introducing an act to put an end to this and other abuses in the civil administration of the navy. By the 30th section of that act the Board of Admiralty were required to lay a statement of their expenditure, with vouchers, before the board of audit in the month of November of each year, and the auditors were required to make such observations as they might deem fit, so as to call the attention of Parliament to any unauthorised expenditure. The act did not provide for the appropriation of unexpended balances; that was made a subject of arrangement between the Treasury and Admiralty; and on the first declaration of unexpended balance in 1833, it was decided that it should be carried to ways and means for the following year, and such has been the practice ever since. The unexpended balances have varied each year, from 400,000*l.* in 1833, to 5,000*l.* in the year terminating the 31st of March, 1839. When the accounts were made up in November following, that sum was avail-

able to ways and means, but as the accounts of expenditure at the Cape of Good Hope and Trincomalee had not been received and brought to account, an application was made to the Treasury for its sanction to retain that sum in the Exchequer to the credit of the navy, to defray those demands, and that sum was brought to account in the balance sheet of 1840. Under the circumstances he had stated, as no balance remained applicable to defray an excess when it occurred, it was necessary to make application to Parliament to vote the amount; but, as it was foreseen in 1833, on presenting the first balance sheet, that an excess must sometimes occur to a small amount, which could not be ascertained until the accounts were closed, it was then decided that, under such circumstances, the vote should be taken with the estimates for the following year, which he now proposed to do. The next vote that he should have to propose to the committee was to make good an estimated excess of expenditure on the current year to the amount of 161,500*l*. The committee would recollect that, in the month of July last, he proposed a supplemental vote for 2,000 men. It might be said, that a larger vote should then have been proposed, instead of incurring the excess without the sanction of Parliament. He could assure the committee that, when he proposed that vote, 2,000 additional men were amply sufficient, with the full knowledge of all the obligations imposed by the treaty of July; if he had then asked for more, it would have excited the jealousy of other powers, and have afforded some pretext for that which afterwards occurred. In the months of September and October a state of excitement grew up in France, which, having arisen without cause, could not have been foreseen. Great activity prevailed in all their dock-yards; their coast were swept of sailors and artificers, and no one could foresee what might be the result. Under these circumstances it became necessary to strengthen the force in the Mediterranean, and to provide a force at home in case of emergency. Some ships were commissioned, and several were got into a forward state to receive men; transports were taken up, and reinforcements sent out to our garrisons abroad; and he was sure the committee would not object to an expenditure of 161,000*l*. for such a purpose, under the circumstances stated, nor would they find fault for not proposing this vote with the supplemental estimates in July. He now came to the statement

of the estimates for the present year, and he owned he should have felt great difficulty in proposing so large an increase of estimates if he did not recollect the strong opinion so frequently expressed by Members on both sides of the House in favour of maintaining an efficient navy. As they had frequently found fault with the small force proposed, he trusted they would now be consistent, and support an increase which was only in proportion to that maintained by other states. He would then proceed to state the force of last year and that proposed for the present, confining himself strictly to a statement of the estimates, and avoiding altogether any topics which could lead the committee from the consideration of a subject too important to the interests of the country to be made the ground of party dissension. On the 1st of January 1840, the number of ships in commission, of all classes, was 239. On the 1st of January, 1841, 242; making an increase of three in number, but the vessels are of a much superior force. The number of men voted in 1840 was 37,165, including the supplemental vote of 2,000 men. The number proposed for this year is 43,000, making an increase of 5,835 men, of which 1,500 are to be marines. The excess on the gross estimates of this year above the gross estimate of last year is 729,653*l*. The credits in aid last year were 195,800*l*., this year they are only 158,812*l*., therefore the net excess to be voted this year above the sum voted last year will be 766,641*l*. He would now proceed to state the amount of increase under each head of expenditure, as numbered in the printed estimate, explaining the cause of increase: No. 1. Wages to seamen and marines; the increase is 199,761*l*. for 5,835 additional men. No. 2. Victuals; the increase is 131,127*l*., of which 28,000*l*. is applicable to the increased price of provisions. In No. 3, the Admiralty-office, and No. 4, the Registry-office of merchant seamen, there is a small decrease of 252*l*. In No. 5, the scientific branch, there is an increase of 4,414*l*.: 2,146*l*. will be expended on the re-measurement of La Caille's arc of the meridian at the Cape of Good Hope; additional masters of mathematics will be appointed to the Naval College, for which a steam-engine will be purchased for the instruction of the students; a small sum will be expended in the purchase of instruments, and on the repairs of the observatory. No. 6 and No. 7 include her Majesty's

establishments at home and abroad, on which there is a small increase of 3,281*l.*, for salaries to the superintendents of the new rope machinery at Deptford, and the steam factory at Woolwich, and establishment of schools and libraries for the children of marines. The Cape hospital is re-established, and there is a new establishment at Valparaiso, to discharge the duties formerly performed by the Consul, who had charge of the stores. No. 8. Wages to artificers at home; the increase is considerable: it amounts to 46,784*l.*; 11,000*l.* will be applicable to the full establishment of shipwrights, which was completed in the course of the year; 10,000*l.* will be applied to complete the number of artificers in the steam factory at Woolwich; and 10,000*l.* will be available for piece-work, if any extraordinary exertion should be required in fitting out a fleet on a sudden emergency. 2,000*l.* will be applicable to the extra pay given to artificers of the fleet when employed out of their own ships; this service had not formerly been estimated, but, as it gradually increased from year to year both at home and abroad, it is necessary to provide for it. 8,000*l.* will be applied to wages of artificers employed on repairs of buildings under the civil architect; a small sum is applicable to an increase of the dock-yard police, and to the increase of teams necessary for stowing the increased supplies of timber. No. 9. Wages for establishments abroad, there is an increase of 6,170*l.* 3,000*l.* will be applied as extra pay to artificers of the fleet, and the remainder to the foreign victualling yards and the hospitals of the Cape and Bermuda. No. 10. The vote for stores for the service of the navy; the increase is considerable, amounting to 242,527*l.*; but when it is recollected that this head of expenditure covers everything used in the building and furnishing of ships, from the smallest nail to the most expensive article; that our building has increased, and more repairs rendered necessary by the number of ships at sea, and the service on which they have been employed, the committee will not consider the sum too large. It embraces all the materials for the new steam factory, which will now be in full work; it comprises the purchase of steam machinery for vessels at home and in the colonies, and the supplies of materials for all the repairs in the dock-yards. No. 11. New works. The expenditure on this head will be considerable this year, though the increase on the vote of last year does not exceed 8,503*l.* It

may be interesting to the committee to hear the new works that are in progress, and for which the vote is taken. At Deptford a small sum will be applied to complete the baking machinery, and to make some small addition to the rope machinery. At Woolwich, 10,000*l.* will be applied to complete the east dock, which will contain the Trafalgar, a first-rate, when launched in April. 15,000*l.* will be applied to the west dock; it is of the same size as the east dock, and will be finished in the course of next year. 15,000*l.* will be applied to the crection of boiler-sheds, and the purchase of some additional ground, if it can be obtained on reasonable terms. A sum of 2,000*l.* will be applied to clear away a bank of mud formed in front of the dock-yard, to enable the Trafalgar to be launched. It is necessary to call the attention of the committee to the state of the river in the neighbourhood of the dock-yard. A large sum of money was expended some years ago for its improvement—he was sorry to say with little success; for the evil has been increasing every year; from what particular cause it is not possible to say, whether from encroachments on the river, or from natural causes, has not been decided; but the subject has attracted considerable attention, and an application will probably be made in a future Session for a sum of money to prevent the growth of so serious an evil. At Sheerness, the annual sum of 500*l.* to complete the paving of the yard. At Chatham the sum of 4,000*l.* will be expended on groins to prevent the accumulation of mud in the river, and 4,000*l.* on the improvement of the smitheries, and the erection of anchor fires. The same course will be followed in the smitheries of all the principal yards. Since the introduction of chain-cables into the navy, a different kind of anchor is required, which contractors cannot supply in sufficient quantities; it is therefore necessary to construct some anchors in the yards to have a sufficient store, and it is deemed better to do so, than to form a separate anchor-manufactory at Deptford, which was at one time contemplated, as a considerable saving will take place in the superintendence by not forming a separate establishment. At Portsmouth, 6,000*l.* will be applied to the repairs of Haslar Beach, damaged by a storm; large cranes and anchor fires will be erected in the smithery, and a small apparatus for making into fuel, on the plan of Mr. Grant, the coal-dust of the yard. At Plymouth; 7,000*l.* will be expended on

the pier and entrance to the basin; 4,000*l.* will be applied to the sea-wall, this sum was voted last year, but in consequence of the injury to the dock by the fire, it was necessary to apply this sum to its immediate repair. As no sum is proposed in the estimates of this year to make good the damage caused by the fire, the committee may desire to know the extent of the loss, which, including the damage to the ships, does not exceed 38,599*l.*, that is to say, the estimated value of all that was destroyed; but it would require the sum of 91,559*l.* to replace it with new work. The sum proposed to be voted in a succession of years for the completion of the Breakwater is nearly exhausted; it amounted to 117,000*l.* Of that sum 15,000*l.* will be voted this year, leaving 12,000*l.* to vote next year. But, in addition to this, a sum of 175,000*l.* will be required to complete it. The original estimate was 1,000,000*l.*, which will have been exceeded by 50 per cent. when the work is completed. At Pembroke 10,000*l.* will be expended on the new slips, the saw machinery will be completed, with several other minor works. At Malta, it is proposed to expend 10,000*l.* on a new dock, or Morton's patent slip. This has long been much desired, and will avoid the necessity of sending home ships on receiving slight damage. 10,000*l.* will be expended in erecting baking machinery at Malta. At present, the grinding of the corn is done by mules; the bakery employs 150 men, and can only supply biscuit for eleven sail of the line; with machinery, only forty men will be required to supply eighteen sail of the line, at a saving of 5,000*l.* per annum. No. 12. Medicines and medical stores; increase 6,232*l.* No. 13. Miscellaneous services; the increase is 130,955*l.* Many of the items under this head, though voted in the naval estimates, belong more to the Post-office service; the great increase is owing to new contracts for steam-vessels. The success of the Halifax line, affords the strongest hope that the great West-India line, which commences in December next, will be equally successful, and must confer the greatest benefits on the colonies. The new contracts of the last year are for sailing packets between Halifax and Bermuda, and between Halifax and Newfoundland. There is a sum of 2,000*l.* taken this year for the hire of vessels, and two sums of 4,000*l.* for compensation for damage. (In Nos. 14, 15, 16, and 17, comprising half-pay, civil and military pensions, and freight, there is

a reduction of 55,000*l.* On No. 18, there is an increase of 5,000*l.* for convict service. He had now gone through all the items of expenditure in the estimates on which an increase had occurred. The whole sum to be voted will be 6,614,157*l.* for the service of the year. He had purposely refrained from any topic which could give rise to party discussion, but he could not conclude without congratulating the committee on the late brilliant achievements of the navy, so gratifying to the country at large, but still more so to that department which had been so long accused of neglect of duty. These events had afforded the best answer to all former assertions; he would not weaken it by any observations of his, and would conclude by moving a vote for the sum of 29,694*l.* 11*s.* 2*d.*, to make good an excess of expenditure on the year ending 31st March, 1840.

Sir *George Clerk* regretted that the House had not paid more attention to the statements of the right hon. Gentleman—because no more important subject could come under the consideration of the House and the country. The committee was called on, for the first time, to make good the deficiencies of former estimates, not of the year now passing only, but also that of the preceding year; and there were at the same time submitted to the consideration of the committee, estimates considerably exceeding in amount any that had been brought before the House for the last twenty years. The country must be considered, not as in a state of peace, but as if winding up the accounts of a state of war. He proposed to confine his observations before the committee to the vote now before it, and one of a precisely similar nature which followed it, with regard to a deficiency in former estimates. He was precluded from going into any general observations on the estimates for the present year, because that must form the subject of a calculation upon the amount of the naval force which might be required under the circumstances in which the country might be placed. He felt it impossible to enter upon this subject, in the absence of the Minister of the Crown, whose duty it was to furnish them with information. He must confess, that when he was called upon to vote 43,000 men for the naval service of the country, he felt some surprise that the Secretary of State for Foreign Affairs was not present to offer an

explanation on the subject to the committee. He felt also another difficulty. The hon. Member for Kilkenny had made a motion for the production of a most important document, and without that he felt it impossible to form a correct estimate, whether that amount of force called for by the right hon. Gentleman, was adequate to the service of the country or not. This being the case, he wished to draw attention to the under-estimates of the expenses of former years. He thought that was a question upon which the House ought at all times to exercise the greatest jealousy, because, if any department of the Government brought forward estimates which were lower than the exigencies the public service required, and that, notwithstanding the deficiency of the estimates, they were still to incur an expense in making such estimates, they withdrew from this House the advantage of having a previous control over the expenditure of the country. It was a different thing for the House to refuse their assent to the estimates submitted to them, take into consideration the whole policy of the country, and say, "We do not think you are justified in incurring these expenses," from that of refusing to vote the expenses already incurred. He was ready to admit that, from the difficulty of perceiving every possible contingency in the naval service, it was not surprising that there should be a deficiency in some departments—they had seen that occur on various occasions; some departments were over estimated, while others were under estimated; but, on the balance of the whole, there was generally a sufficient sum voted, in the first instance, to cover the whole expenditure. He must confess, then, that he was not satisfied with the explanation given by the hon. Secretary to the Admiralty, with regard to the deficiencies of 1839 and 1840. In the first place, he was disposed to state the deficiency of 1839 considerably higher than the hon. Member had taken it. It was true that, on the balance-sheet of the naval expenses, there was a balance stated of 29,600*l.*, for which the vote was now to be given; but, first, the hon. Member had no right whatever to take credit for the unestimated balances of former years, especially on the ground taken by the Admiralty, that the accounts from the Cape of Good Hope and Trincomalee had not been received, and that, therefore, when they received them at a late period, they

did no more than meet this balance. The expenses on these stations were only for one quarter. If the hon. Gentleman argued in this way, he ought to show the committee what was the expense of these stations since, and add it to these balances. There was another way in which the deficiency was made up, and that was the demand by the Admiralty for part of the vote granted on the insurrection in Canada. He understood on what grounds the naval department made this claim. He saw that the first item on which they claimed, was for wages to seamen and marines. He wanted to know what number of seamen and marines they had a right so to charge against the Canada vote? He presumed the seamen were those who were employed on the lakes of Canada, in the Niagara. He wished to know of the hon. Gentlemen if they were the men? [*Mr. M. O'Ferrall—Yes.*] That was sufficient. He saw the House was called on to vote these men twice, for they were included in the total number of men voted for in the navy estimates; and if he had a doubt on that, he would refer any hon. Member, who had the estimates in his hand, to the explanatory statement, in which he would see the pay of this very vessel—a vessel employed on the lakes of Canada as storekeeper. Therefore he might say, that this was a repayment for bolstering up the deficiency of the naval votes of 1839—for the Admiralty made an application in October last, and received from them a grant of 3,000*l.* Under these circumstances, the deficiency of 1839, instead of being 29,000*l.* as stated in the vote, was really above 70,000*l.* That appeared to him to be a very important deficiency, and one for which, he conceived, the hon. Secretary to the Admiralty had not yet assigned any sufficient reason. At the same time he was quite ready to allow, that it was impossible for any man, at one view, to have a correct notion of what our naval expenses really were. He would come now to the supplemental estimate, which was to make good the deficiency of the estimates for the present year, and to provide for the excess of expenditure between the 1st of January and the 1st of March. The only justification to be offered by the naval department for having these votes brought forward after the expenditure had been incurred, to make good the deficiency, was that they had arisen from some circum-

stances which could not be perceived at the time, they called on Parliament to vote. Well then, he said that the Admiralty department must have known—at least they ought to have known—in July last, that the supplemental estimate they called on the House to vote, was perfectly inadequate to meet the demands of the service. There was extreme inconvenience in coming forward at various times, and voting certain sums for the navy at one period, and certain sums at another period. To couple the naval to the supplementary estimates was the way to make a great deficiency in the estimates for the present year. The only explanation that could be offered by the naval department for bringing them forward in this way was, that the reason for some of the estimates could not have been foreseen. But he said they must have known it, or, at least, that they ought to have known it. He wished to show that, when the naval department in July last, submitted their supplemental estimates to the House, it was their duty to have brought under the full consideration of the House, the total amount of expenditure likely to be incurred; and they ought not to have called upon the House to vote a sum of money perfectly insufficient for their purpose, setting aside any increased expenditure they were called upon to make in consequence of the state of our relations with France. When the Chancellor of the Exchequer brought forward his Budget, on the 15th of May last year, he called his attention to the excess of the navy expenses at that period, and to the fact that, according to his own account, which was laid upon the Table of this House, he believed, on the same day, it appeared that the naval department, between the 1st of April, 1839, and the 1st of April, 1840, had received 300,000*l.* more than the sum voted by this House for the year. He asked the right hon. Gentleman for an explanation, which he was, perhaps, unable, or, from some causes, unwilling to give. He stated to him, that the consequence of that must be, that the sum of money must be taken from the estimates voted for the current year to provide for that excess of the expenditure of former years—that if the right hon. Gentleman found that at the end of the present year, 1840, the sum for the supplies was not sufficient, it would derange all his calculations, and that there would be a large

deficiency of revenue, compared with the expenses of this year. By the returns which he moved for on the 15th of last month it appeared that in April, 1839, there remained a balance on the votes of the former year to the credit of the navy in the Exchequer of no less than 460,204*l.* The whole of that sum, no doubt, was required to discharge the expenses which had been previously incurred, and which properly belonged to the year for which the money was voted. With regard to the statement for the present year, the Admiralty had no justification whatever for keeping the Treasury in the dark, or the Chancellor of the Exchequer was clearly wrong in not bringing before the notice of the House, this great increase in the expenditure of the navy. It appeared to him that the various departments of the State, acted as if they were independent of each other, and that no two were aware of another's proceedings. There had been a gross blunder in the preparation of the estimates of last year. The number of men required to complete the complement of the ships was 26,000, while the Admiralty proposed a vote for 24,000 only. The noble Lord the Secretary for the Colonies, had told them on that occasion, that he did not think any increased number of seamen would be required in consequence of the situation in which the country was placed. He (Sir G. Clerk) was glad at the time to have heard that announcement, but he found the House had been misled by it. The noble Lord must himself have known that France had then refused to be a party to the settlement of the Eastern Question. When the supplementary estimates had been brought forward, the noble Lord, on being asked whether the Government intended to send a reinforcement to the Mediterranean, answered that they did not, and that we were not to have more ships in July than in January. A few weeks after, however, a large vessel, the *Calcutta*, was commissioned for the Mediterranean. He thought therefore, he was justified in saying that if the noble Lord, the Secretary for the Colonies, had been in communication with the noble Lord, the Secretary for Foreign Affairs, it would have been impossible for him to make the statement which he had made. With regard to the vote for 161,500*l.*, the hon. Gentleman, the Secretary to the Admiralty, had said, that if they had moved for it last year, they

might have excited the suspicion of foreign powers. He thought, however, that if they accepted such a justification they would be laying down a very dangerous precedent. The Government might, in that case, bring forward low estimates, and, after expenses had been incurred, the House of Commons would have no power to refuse the payment of them. He thought that was a dangerous principle, affecting one of the great privileges of that House, namely, the power of maintaining a control over the public expenditure. It had not been satisfactorily explained why the House was called upon in March to vote 160,000*l.*, within a few weeks of the termination of the year; it was voting a sum of money to make good the deficiency of last year. If it was an estimate, it ought to be a correct estimate of additional expenses. The first item of wages, from the 1st of January to the 31st March, was an affectation of accuracy. It appeared on the estimates, that we had on the ships' books on the 1st of January, 1841, 28,710 men, which was 2,545 above the number voted. When did the men go on board? The great increase was in October, when the *Howe*, and the *Britannia*, and other large ships were sent to the Mediterranean. Now, as the Admiralty could not have permitted these ships to have gone short of their complement, or have left the squadron short of its complement, it was clear that on the 31st October we had these men. There was, therefore, no justification whatever in taking this vote of 161,000*l.* for wages for 2,545 men, from the 1st of January, to the 1st of April. The fact was, the Admiralty and the Government were afraid of the opposition of the hon. Member for Kilkenny, who always objected to every increased expenditure. They ought to have laid the circumstances fully before the House at the time of moving the supplemental estimates of last year, but they had then kept out of sight a great part of the expenditure which had been incurred. He thought the Admiralty must also have kept the Chancellor of the Exchequer in the dark. He did not think the sums now asked would be sufficient to cover the outstanding demands which at present existed. He should like to know from the right hon. Secretary to the Treasury why the accounts moved for by his hon. Friend, the Member for Harwich, had not yet been laid

on the Table, that was a most important element in discussing these estimates.

Mr. *R. Gordon*: The returns from which the account is to be made out have not yet been received.

Sir *George Clerk* would then ask, why the paper for which the hon. Secretary had himself moved on the 3rd of February, a return of the debt of the Navy, had not yet been laid before the House? He would frankly admit, that in former times but little interest had been felt in that document, but it was now one of a most important character, and he hoped no time would be lost in laying it upon the Table. He did not know on what ground the House was called upon to make up this deficiency. From the accounts laid on the Table, it appeared, that on the 7th of January there was a sum of 1,537,516*l.* to the credit of the Admiralty. Now the hon. Secretary to the Admiralty was bound to show why that sum had not been sufficient to cover the navy expenses that were likely to be incurred. That it would probably be insufficient he would admit, more particularly when he considered the large amount of wages due, but they ought to have the amount before them, in order to enable them to form a judgment on the subject, and they ought to have further information before being called on to vote those sums. He did not offer any opposition to the amount for this year, he only asked why they asked for this large sum to make good a deficiency which they ought to have seen. He hoped not to see introduced into the navy estimates votes which were extremely objectionable in the ordnance estimates. For the last two years the House had never been called upon to pay the full amount of wages, and the surplus had been absorbed under some other head. Government having obtained a supplemental vote in July, of 120,000*l.* having obtained from the Treasury 43,000*l.* for wages and victuals, and 40,000*l.* to make good the deficiency, now called for 161,000*l.* to make up the deficiency of last year, making in all upwards of 300,000*l.* What confidence could the House place in the accuracy of the estimates? The reasons which induced them to keep back the estimates of last year might be equally operative now, and they might ask the House to vote a sum not adequate to meet the exigencies of the State. They framed such estimates as they thought they had a chance of car-

rying through the House without incurring serious opposition from the hon. Member for Kilkenny, for that hon. Member, although he entered his protest against an increase in the naval expenditure, placed such implicit confidence in her Majesty's advisers, that he departed from the course of proceeding which he pursued during the time he (Sir G. Clerk) moved the navy estimates. He thought he had made out a *prima facie* case against the Admiralty calling on the House to make good these deficiencies without further information. There being a *prima facie* case, further proceedings should be suspended till further information was granted, or until a select committee should have made a report, explaining the ground on which Government called upon the House to make good the deficiencies. The two questions should be argued separately on their own grounds, and not be mixed up together.

Lord J. Russell said, that the hon. Baronet had so mixed up several questions together as to render it difficult to grapple with his statements. He was not going to answer the hon. Gentleman with regard to those parts of the speech which related to the mode of keeping the accounts of the navy. His hon. Friend the Secretary for the Admiralty, had stated the grounds upon which he asked for the balance of 29,694*l.*, and he could add nothing to what his hon. Friend had stated on that subject. The hon. Gentleman, however, had gone on to speak of the amount of the balance which they proposed to take to make up the expenditure, and he had not been satisfied with taking that amount, but he had thought proper to discover that the reason why her Majesty's Ministers had adopted the course they had done was because they were afraid of the opposition of the hon. Member for Kilkenny. Now with respect to that supposition the hon. Gentleman was completely mistaken; it certainly was something like the course adopted by a former Lord of the Admiralty in 1835, who had asked for estimates less than was necessary for the services of the year, but such were not the motives which actuated her Majesty's present Government. The hon. Gentleman had stated very truly, that at the time the estimates were brought forward last year the Government did not ask the whole amount required for the ships in commission, and the reason of that was, because some of the ships were on their return home, and it

might not be necessary to fit out other ships; that was the real case, and not as the right hon. Gentleman had suspected. At that time it was not supposed there would be a separation among the Great Powers of Europe, but in July the question was very much altered. In that month her Majesty's Government had agreed with certain Great Powers of Europe to enter into a convention for the purpose of settling the affairs of the East; one of the Great Powers, however, was not a party, but at the same time it was at first doubtful whether that Great Power would think it necessary to arm on account of its being separated from the other Great Powers. Unfortunately, and before the prorogation of Parliament, it appeared that the French Government were determined to increase their navy, and it therefore became necessary for her Majesty's Government to consider whether they should immediately augment the forces, or suspend it till further proceedings were taken. His impression was—and that impression was generally shared by the Government—that if at a time when there was great exasperation in France, when there was an undue feeling of resentment because this country had separated from France upon the Eastern question, and the utmost violence was displayed both in the press and generally throughout France in speaking of the conduct of England—if at such a time they had come down to propose to Parliament, without being certain that it would be required, a considerable augmentation of force, they could not have asked for it without stating serious reasons for so doing, and there might have been urged against the conduct of Government the hostile language and the alienated feelings of France. Why, if they had done so, he did not doubt that they should have obtained the consent of the House to the necessary augmentation of force. He did not doubt that the hon. Member for Kilkenny, if he had chosen to divide the House, would have been in a small minority upon that occasion; but what he did doubt was, whether if they had come down with such a case to ask for a considerable augmentation of force, it would not have tended to increase and influence the exasperation then prevailing in France, and whether the increase of armament would not have led to hostilities between the two countries. For these reasons her Majesty's Government had not asked for an increase of force, and it was not until after the prorogation of

Parliament, when they saw the preparations which were making, and that it was not merely a question of *ordonnances* on paper, but that great efforts were making in the French ports, and an active equipment of ships going on, that anything was done in this country. The hon. Gentleman had stated that there was a mistake in the accounts as to the increase of seamen's wages. But he believed that the real state of the case was, that the amount of men was so far lower that the amount of money voted was sufficient for the payment of the force. As regarded, therefore, the question of money—the question of the men was a different question—it was sufficient for the payment of the men wanted in those three months which elapsed between the date of the vote and the period of which he had spoken; still he did not mean to contend that the Government had pursued the ordinary course. The hon. Gentleman had rightly stated what was the constitutional course. [Sir J. Graham, *hear.*] The right hon. Gentleman who cheered him, and who had taken so active a part in exposing the conduct of our naval affairs, and the concealments which took place when the hon. Gentleman (Sir G. Clerk) had a share in the administration of the Admiralty, no doubt fully agreed with the hon. Gentleman in that. But at the time he spoke of the real question with the Government was, how they were to maintain the peace of Europe? That was the main and the great question. The question of making themselves responsible for the expenditure of 161,000*l.* more than the estimates was a secondary question. Their paramount duty they felt was to preserve the peace of Europe, and not have the representatives of France on the one side, and the English House of Commons on the other, discussing these questions in a spirit which might have led to a collision between the two nations. Acting upon these considerations, her Majesty's Government had not avoided the responsibility of asking Parliament for a sum of money which had been expended, but had not been voted. Such had been their policy; but he was happy to say, that it had succeeded. There was no longer any question between Mehemet Ali and England; that was set entirely at rest. Her Majesty's Government had, therefore, the satisfaction to think, that in taking measures to maintain the independence of the Turkish empire they had avoided any serious collision with any other power. However, that question was

quite a different one from that before the House, and might be discussed on other occasions. But the question, as he had stated, with her Majesty's Government had been, what they could do that would be best calculated to preserve the peace of Europe. He had not risen to enter into the details mentioned by the hon. Gentleman, with which no doubt he was fully acquainted, but to state these considerations to the House.

Mr. *Hume* was glad that the noble Lord admitted the extraordinary nature of the proceedings. The noble Lord considered that he was warranted by the peculiar circumstances in which the country was placed, in taking upon himself that responsibility. He differed entirely from the noble Lord on that point, and he would state to the House the grounds on which he did so. The noble Lord had stated, that by means of taking upon themselves this responsibility the Government had maintained the peace of Europe. He denied that altogether. He contended that they had disturbed the peace of Europe. Europe was in perfect peace at the time when the noble Lord entered into that convention of the 15th of July; there was not the least sign of a disturbance. The French had been increasing their fleet for many years, but the object of that was to maintain that position which was consistent with their station amongst the Powers of Europe. But what did the noble Lord say? The noble Lord said, referring to the Cabinet, they had maintained the peace of Europe at an expense of 160,000*l.* Why, good God! the estimate for the present year was a million, in consequence of the noble Lord's policy, and ten millions would not cover the expenses of that rash affair. The Government had no right to enrol more men than were voted by the House, without its consent, and without such grounds as would appear to the country satisfactory. Was there anything threatening the peace of England or her colonies, or of any part of the British empire? Nothing whatever. It was an intermeddling in the affair of the Turkish empire, under the plea of maintaining its integrity. Instead, however, of doing that they had perpetuated the disturbances and the weakness of that empire. He had warned the noble Lord again and again in the month of July, and when the vote for an additional number of seamen was called for he had objected to it. He knew what the plans of the noble Lord were, and he knew his antipathy to intermeddle in the affairs of

the East, and that if he had got the vote it would enable him to embroil himself. The House, however, differed from him, and the vote was passed. In July it had come to his knowledge that the treaty had been signed, and believing that it would involve the country in war, he had asked the noble Lord to state if that were so. The House would recollect his answer. He could get nothing definite, but it amounted to a denial. He asked if they were sending out troops, and he was informed that he was mistaken in his information—a general answer. Now, it turned out, that he had been correctly informed. Did the noble Lord suppose that his conduct at that time would be otherwise than offensive to France, and risk the loss of the friendship and alliance of that country? He was anxious to have the documents before him, because he thought they would make out a clear case of neglect. The real truth was, that the noble Lord and the Cabinet knew well that they had determined on hostilities, every dock-yard was full, and muskets and seamen were sending out to stir up disaffection and rebellion in the East, and give countenance to the interference of the British Government. On the 24th of July, when they had determined on hostilities, the House should not have been allowed to separate without information on that subject. The right hon. Gentleman spoke of his opposition, but he saw very well it had but little effect. If hon. Members on the other side supported him it might have some effect, but when he received support from neither, what hope what chance was there, but to be laughed at? He believed the Government were afraid of meeting the House of Commons, and letting the public know that the peace of Europe was about to be disturbed through their interference. Bold as they were they were not bold enough to state their case to the country at that time. But when Parliament had separated, what check was there that they might not enrol 50,000 men more than were voted; the principle was the same, and they actually did enroll 2,545 men more than were voted. The noble Lord said they would take the responsibility, but he (Mr. Hume) said, make out the case first. He wished to see all the correspondence between this Government and France, and he was satisfied it would fail to make out their case. The vote now before them was contrary to the usual practice of Parliament, and indeed at the time no one

supposed that such a step would be taken without calling Parliament together. He felt himself justified, therefore, in moving, that the vote be postponed until they had the correspondence on the Table—if the case were made out then let the vote be agreed to, and if not, let it be rejected. Until that was done he hoped that House would not allow a vote incurred in such a way to pass. They were now called on to support an armed navy of 41,000 men; that was an enormous establishment. A few years ago the establishment for the navy amounted to 24,000 and 25,000 men, and the utmost number at any time at the period to which he alluded was 26,000 men, and those establishments were considered very large; what, then, must hon. Members think of such an armament as 41,000 men? Hon. Members ought not, he insisted, to support a vote for so enormous an establishment without some explanation being given for its existence. Parliament had now sat five weeks, and there had been, he contended, sufficient time during that period to make such arrangements as would enable the noble Lord to give the required explanation. He would, therefore, move that the progress of the vote be postponed until they should have laid on the Table of the House the correspondence which would enable hon. Members to judge how far Government was warranted in the responsibility which they had taken upon themselves.

Mr. C. Wood said, that the question he understood to be before the House was a vote of 29,000*l.* to make up the deficiency in the accounts up to the 31st of April, 1841. The hon. Member for Kilkenny had, he apprehended, mistaken the immediate subject under discussion.

Sir J. Graham said, it was desirable that they should keep the vote of 29,000*l.* perfectly distinct from that of 161,000*l.* He wished to know why it was that when the supplemental estimate was proposed last Session of Parliament—when the balance of 29,000*l.* was ascertained—that balance was not brought under the cognizance of the House—why it was postponed?

Mr. M. O'Ferrall believed that he could reply satisfactorily both to this question and to the observations of the right hon. Gentleman the Member for Stamford. The excess of 29,000*l.*, which was matter of account, was erroneously mixed up with the 160,000*l.*, which was matter of

estimate. He would address himself solely to the question of the 29,000*l.* and the 5,000*l.* which was carried forward from the ways and means for 1839, and accounted for in the balance sheet laid on the Table. The right hon. Gentleman the Member for Stamford was the last person from whom he should have expected to hear some of the observations which he had made, since the right hon. Gentleman must perfectly well know that, from the various exigencies of the public service, it was sometimes next to impossible to keep strictly to the amount of each particular head of estimate. The hon. Gentleman will recollect, that he foretold in 1831, when the new system of account was introduced, that a surplus expenditure must sometimes occur. He was equally surprised at the observation which had fallen from the right hon. Gentleman the Member for Pembroke, who, in the fourth of his own regulations, had provided that, when an excess arose upon the estimate, it should be voted at the next time of bringing the estimates forward, and such is our present proceeding, of which he complains. The right hon. Gentleman had asked why this supplementary vote had not been submitted to Parliament in July last. He must know perfectly well that by his own regulations that was perfectly impossible. He must know, that, though the accounts were made up to the 31st of March, they were not closed until the 30th of November, to allow the accounts from distant stations to come in. In the intervening period this year there came in the accounts from the Cape, Trincomalee, and the other distant stations. There was a large balance on the 31st of March, which remained subject to the demands from the distant stations, until the accounts were closed in November. The month of November was fixed with that view. As to the Cape, in consequence of a reduction of clerks effected by the right hon. Baronet himself, the storekeeper had found it totally impossible to make up his accounts by the usual time, and they did not arrive until December, 1840. Those from Trincomalee were received at the end of November, soon after the accounts were closed; but they were not considered so material as to render it necessary to move them in a separate supplementary vote. The excess of 29,000*l.*, therefore, could not be known until the whole of the accounts were made up. In 1831 the right

hon. Gentlemen had stated it to be his intention strictly to adhere to each head as voted in the estimates, and if he should exceed the vote on any particular item, he would apply to the House for its sanction to apply the surplus on other heads to make up the deficiency. Twelve months of office entirely changed the virtuous intentions of the right hon. Baronet, experience softened his reforming zeal, and in 1832, when he introduced his bill, under the provisions of which the balance sheet is produced, he purposely omitted to give effect to the intention he announced in 1831, and gave a practical example in 1832, of the irregularity he condemned the year before. His first balance sheet in 1833 will prove it, by exceeding his estimate on no less than thirteen heads, out of twenty-nine heads, of which the estimates were then composed. We have followed in the steps of the right hon. Baronet the father of Naval reform, and yet he is now the first to question our acts under circumstances far more difficult than he ever had to contend with, although we have complied with the act of Parliament and all the regulations he framed. It should be borne in mind, in connexion with the present vote, that a large force had been employed in Canada and elsewhere; and, where there was a question of so great a sum, could any man say that there might not be an excess of 29,000*l.*? As to the 5,000*l.*, hon. Gentlemen would find, if they looked at the balance-sheet in their hands for 1839-40, that no blame was to be attached to the Admiralty, there being a certificate at foot attesting that the accounts from the Cape and Trincomalee had not been then received. It was hence brought into the balance-sheet for the present year, showing that there was no object whatever for concealment. As to the 42,000*l.*, the Canada vote, they would find it accounted for under every head of expenditure. 15,000*l.*, to which the Member for Stamford referred, was for the service on the lakes, the official authorities of Canada, alarmed at the state of the frontier, having provided an increase of two or three strong vessels. An increased rate of pay was always given on the lakes; which in addition to the increased number of men, would account for the increased expenditure under the head of wages.

Sir J. Graham was bound to say, that the answer of the hon. Gentleman was

satisfactory. He certainly attached great importance to the principle that Parliament should receive the earliest information on these questions. This was his principle in 1831, and he still adhered to it. He had put the question simply for the purpose of having the departure from the estimate accounted for. He admitted that, with the utmost care, it was impossible to make such an estimate as might not be exceeded. He did not recollect so accurately now as he had heretofore done the routine of office, and had thought that the accounts might have been made up at an earlier period.

Mr. *C. Wood* observed, that the day to which the accounts should be made up was prescribed by Act of Parliament, in the words "on or before the 30th of November." It was true, that a certain sum had been taken from the million granted in 1839 for the exigencies of the public service in Canada, and applied to the service on the lakes; but in the course of the ensuing spring the Secretary for the Colonies intimated that it would be necessary to increase the estimate for the maintenance of the men on the lakes, whereupon he stated in reply that he must either move a supplementary estimate, or come upon the million for an additional proportion. The Treasury said that they would not advance the sum, but that when the accounts were sent in they would repay to the naval department what it had actually expended. Hence it was, that this particular estimate bore the date of the 11th of May, 1840.

Sir *G. Clerk* did not object to this vote, but always expected the naval department to make out its estimates clearly, and, if possible, in the first instance.

Vote agreed to.

The question was then put that 161,500*l.* for the excess of the naval expenditure beyond the sums granted for the year ending the 31st of March, 1841, be granted to her Majesty.

Sir *R. Peel* wished to ask a question. In the course of the speech delivered by the noble Lord the Secretary for the Colonies, that noble Lord made a declaration which appeared to him of very great importance. The noble Lord said, that one of the reasons why an additional estimate was not taken to provide for the possible consequences of the misunderstanding with France on account of the Syrian question was, that if such an estimate had

been proposed it might have added to the irritation and jealousy of France, and defeat our desire for peace. The noble Lord then added, that a course which would be objectionable, under ordinary circumstances, was justified by the extraordinary state of Europe in July last. He also understood the noble Lord to say, that the course pursued had been justified by success. There were two ways of understanding that declaration. If it meant that there was now no cause for misunderstanding growing up out of the Eastern question between France and this country, if it were true that all misunderstandings between France and this country were at an end, he hailed the declaration with perfect satisfaction. But he was not certain whether the noble Lord did not mean to say that the possession of Syria was now out of the question, and that there was a practical though perhaps temporary settlement of the questions arising between France and this country out of the affairs of the east, on account of the impossibility of Mehemet Ali's recovering Syria. That might be another construction, but he hoped it was not the proper one. He hoped that the noble Lord's intimation was, that the eastern question was completely terminated, and that so far as France was concerned all causes of misunderstanding were at an end. Being in doubt as to the construction he put on the noble Lord's words, he wished to ask whether that which he sincerely hoped and wished for was the right one.

Viscount *Palmerston*: If I understood the noble Lord rightly, he alluded to a recent declaration of a person who held a high rank in the French government at the time when those transactions took place. If the right hon. Gentleman asks me what is the present state of the relations of the two countries, I can have no hesitation in saying that I do not see anything connected with these matters, or which to arise out of them, which, in my opinion, can in any way tend to interrupt the friendly and pacific relations between the two countries.

Mr. *Goulburn* said, the present vote involved the conduct of the Government, and affected a most important principle, from which the House should not suffer a departure without the greatest necessity. When he looked to the two estimates of last year, and the supplementary estimate now before them, he did not see any justification

for the course the Government had pursued. What he was particularly complaining of was, that the noble Lord, in July, 1840, was aware, that a greater sum would be required for the expenditure of the navy than was asked for in the estimates, and that he gave no intimation of it to Parliament.

Lord J. Russell: What I stated was that there was a probability that an additional estimate might be required; but that it might happen, that no additional expenditure might be required. It was at that time a matter of doubt.

Mr. Goulburn resumed. All estimates are matters of probability. But, looking at this estimate, he perceived several items of expenditure, that were certain, that might have been foreseen, and the voting of which, in the last Session of Parliament, could not possibly have occasioned alarm or uneasiness in the minds of foreign powers; for instance, there was an item for the packet service of the West-India stations. There being in July, last year, a probability that an additional expenditure would be necessary beyond the vote which Parliament was then called upon to sanction, if not by the full amount of the 160,000*l.* still by a considerable portion of it, he, for one, could not admit, that the Government were justified in coming to Parliament for a vote so far below what in their opinion the exigencies of the public service might probably require, and for concealing the great probability of a larger vote being required.

Mr. M. O'Ferrall replied, that when the supplementary estimate was taken in July, last year, for 2,000 men, that amount of additional force was considered sufficient to enable the Government to carry out all the intentions of the treaty of July. The way the navy estimates were framed was, to take at the beginning of the year the whole number of ships, and calculate the number of men at full complement for each ship, although some of those ships might be fitting out in harbour. The deficiency of men in those ships in the early part of the year, generally makes up for excess at the close of the year, if such should occur. If in July Government had proposed to take a greater number of men, than was actually necessary, they would have given grounds for that excitement that subsequently had prevailed in France. He had stated, that the services on the coast of Syria had been performed by the force, that had been voted in July. But when so

much excitement prevailed in France, in the months of October and November—when men were taken out of their merchant ships and placed in the naval dépôts of Brest and Toulon—when the most active preparations, naval and military, were being made by France, her Majesty's Government thought it was necessary to show, that we were equally well provided, and, therefore, it was, that additional ships had been put in commission, which required a greater number of men than the estimate provided for; and thus caused the increased expenditure now complained of.

Sir R. Peel: The question that here arose was, however this:—Supposing that it were deemed probable that, during the recess an increase of force, naval or military, would be required, according to all ordinary and constitutional principles it would be the duty of the Government to inform Parliament that such an emergency might be expected, and to take a discretionary vote to meet it. That might be done without any estimate by a vote of credit; under ordinary circumstances, that would be the proper course. But Ministers said, that there was danger of increasing the irritable feelings that prevailed in France, by taking a precaution that might have been, or might not have been, necessary. The noble Lord admitted, that when the supplementary vote of last year was taken, it was highly probable that an increased expenditure might be necessary, but he added that there was something peculiar in the circumstances of the present case that justified the Government in taking this responsibility upon themselves, rather than make a communication to Parliament that might possibly have increased the probability of a rupture with France. He would not say, there were no reasons last autumn to justify this departure from the usual and constitutional course, but he thought that the Crown should have taken some notice of the matter at the commencement of the present Session; and then, the subject having been brought before the House, means would have been taken to prevent the proceeding in this case being brought forward as a precedent on future occasions. In a despotic Government no such difficulty would have arisen, because such a Government would have had the power to take whatever precautions might be necessary. It was, no doubt, one of the inconveniences of a

popular form of Government, that Ministers must come to Parliament and state the grounds on which an increase of expenditure for such a purpose was to be incurred. But what he feared was, that this precedent once established might be used in future cases. At the close of the present Session it might so happen—though he sincerely hoped that it would not—that our amicable relations with America or some other foreign power, might be disturbed, and there might be danger that, in asking Parliament to provide for the emergency, we should increase the irritation that might exist, and so bring about that state of hostilities which it must be our wish to avoid. He could understand the point that Government should abstain from making communications to Parliament on the subject of any temporary alienation between this and another country, on the ground that it might tend to increase irritation, and that if it asked for an increase of force the probability of an amicable arrangement would be greatly diminished, and that, therefore, under such circumstances it would be better to leave the matter to the discretion of the Government, and that they might be allowed, on their own responsibility, to make an increase of force without coming to Parliament; but it should be recollected, that if we got into this practice, we should be departing from the sound constitutional rule which had hitherto been the practice in this country. He admitted that there was some difficulty in the present case, and he could conceive that such a degree of irritation prevailed in France that it might become a matter of expediency to follow the course that had been adopted in the present instance. But supposing that to be the case, he thought that it would have been better if the Ministers of the Crown had recommended that a paragraph on the subject should be inserted in the speech from the throne, or it might have been made a matter of communication in the shape of a message to Parliament, and that the Government had felt bound to follow the course which they had in consequence of the special circumstances of the case, and that they were only justified by the emergency which had arisen. If this had been done it would have appeared to future administrations that, although the House had sanctioned the proceedings of the Government in increasing the forces, still that the House of

Commons had not let the proceedings pass by unnoticed. He would venture to say that, if the excuse was to be admitted, that a proceeding of this kind was calculated to advance amicable relations with foreign powers, the principle would often be resorted to of increasing the forces without previously applying to Parliament. It was, therefore, to be regretted, that when they thus increased the naval forces in October, they did not make a communication to Parliament, so that the special circumstances of the case might not be drawn into a precedent.

Viscount *Palmerston* said, that in the general constitutional doctrine laid down by the right hon. Gentleman on this subject, it was impossible for him not to concur. The question, however, was, whether this was not a case which should be made an exception to the general principle which had been laid down. He thought that it was, for the reasons stated by his noble Friend. He would ask what was the state of things at the time Parliament was prorogued? The treaty was known to have been signed, and great irritation had been excited—certainly on the most unfounded grounds—throughout the French nation. They felt highly irritated, and persuaded themselves that the alliance of the Four Powers had been entered into for a specific and particular purpose against France. They asserted most groundlessly that this was a renewal of the alliance of 1814 against France, and that it furnished an indication, on the part of the allies, of an intention to attack France. At the time of the prorogation of Parliament, a greatly increased armament had been made on the part of France, and as his hon. Friend the Secretary of the Admiralty had stated, the additional force proposed for the navy towards the end of the last Session was considered sufficient to carry out the treaty of July. Undoubtedly the Government might have come down to Parliament, as the right hon. Gentleman had suggested, and might have drawn the attention of the House to the circumstances which had arisen, and which had created angry feelings between France and the Four Powers, but the truth was, that Parliament separated some months previous to the irritation, and to the extensive armaments which had been carried on in that country, and when it was not possible to know to what extent this feeling of excitement would prevail. The right hon. Gentleman said, that at the end of the Session, although there might be no immedi-

ate danger of a rupture, the Government might have come down and taken a vote of credit in case any such emergency might arise. This certainly might have been done; but the whole matter was fully considered by the Government, and it was not until after the fullest deliberation it was determined to pursue the course which had been adopted. But what would have been the effect on France of adopting the course alluded to by the right hon. Gentleman? It would have been asserted that the English Government had asked the Parliament for a large additional force, and it would have been alleged that this was a proof of the existence of an alliance against France. It would have been asserted by France that the English Government would not allow Parliament to separate without obtaining a great addition to its naval force, and that this was done solely with the view of attacking us. There would apparently have been great weight of argument founded on the adoption of such a step by the Government, and it certainly would not have been acting in a way calculated to avert the risk of a war. The same course which had been pursued by England had been followed by the governments of the Continent. England, no doubt, would have to undergo sufferings and privations in case of a war, and no doubt every country involved in a war with us would be called upon to make great sacrifices. However great the evils might be to us, undoubtedly they would be much more severely felt by the natives of Germany, for the sufferings of being exposed to a war by land were greater than any we should be likely to be exposed to. What steps, then, did the governments of Germany take? Austria and Prussia scrupulously abstained for several months from taking any steps for the increase of their armies. At a later period of the year, when France was seen to persist in increasing her forces, her Majesty's Government deemed it necessary to make some increase—certainly not a very great one—to the naval forces of this country, and at about the same period the nations of the continent found it necessary to make such addition to their armies as would enable them to resist with effect in case of being attacked. Agreeing, then, in the main principle laid down by the right hon. Baronet, he still thought that the Government were bound to act as they had done. Indeed, they would have exposed themselves to censure if they had by any rashness or indiscretion produced results which would

have carried matters much further than they had gone. These were the grounds for the adoption of the determination which the Government had come to after much reflection. He repeated, nothing appeared at the separation of Parliament likely to justify a larger increase of force; on the contrary, we expected that the irritation on the part of France would have passed away, and that the explanations which were about to be given would have been considered sufficient and satisfactory, and that there would not have been any continuation of angry feelings between France and the other Powers of Europe. If, in the recess, matters had proceeded further, it would have become necessary to have adopted other proceedings. If war, unfortunately, had taken place, it would have been the duty of the Government to call Parliament together; but as circumstances had turned out, it was unnecessary to resort to such a course, and, as only some addition to our armaments was necessary, Government relied on the assent of Parliament to the proceedings which had been adopted under the emergency. He begged the House to recollect, also, that her Majesty's Ministers had not pursued the course which had been followed in former years, when the financial year terminated in December, when money was expended without any authority from Parliament, and the charge was carried into the following year. In the present case the money expended would be carried to the charge of the financial year in which it was applied. Under these circumstances, although he admitted that the constitutional principle had not been strictly applied, yet still he thought that the case justified the course which had been followed.

Sir *R. Peel* observed that the noble Lord had avoided the question, not only as to the principle itself, but also as to the application of that principle. He (Sir *R. Peel*) could easily conceive that, last year, in the then peculiar state of our foreign relations, a vote of credit might have been open to the same objection that might have been urged against a distinct increase in the navy estimates. But what he had said was, that if the Government contemplated the probability of an increase, they ought rather to have proposed the specific increase they contemplated, stating the grounds on which they thought it might be necessary; or, if they did not wish to enter into detail, they might have taken a vote of credit, justified by the ne-

cessity of the case, and applicable to the emergency of the state. He did not mean to imply that they should have taken a vote of credit, if they thought the effect of it would have been to increase the irritation that existed in France. He had also gone on to admit, that he could conceive it possible that a Government might be justified in taking on it only a discretionary authority in increasing the military and naval force of the country, rather than, by taking a vote for it at a particular time, raise up discussions and engender feelings that might lead to hostilities; but in that case, some communication ought to be made to Parliament, stating the circumstances under which the strict and constitutional rule had been departed from; and this might properly have been done in the speech from the throne in the following manner:—

“Circumstances have occurred during the recess which have induced me to direct an increase in my naval force greater than that provided for in the estimates; but this assumption of authority has been justified by the peculiar circumstances of the case, and I am confident will meet with your sanction.”

That was the course which Parliament would have approved of; and as there was in this case an admitted departure from the ordinary and constitutional rule, some such precaution was necessary for preventing the course which the Government had taken being lightly made use of as a precedent on future occasions.

Lord *J. Russell* would not say, that the course suggested by the right hon. Baronet might not have been proper, but Ministers had thought it more regular to bring the question before the House in a committee of supply, when the Government were prepared to give every explanation. He, and his noble Friend the Secretary for Foreign Affairs, admitted the principle that the right hon. Baronet had laid down. The right hon. Baronet on the other hand admitted that there might be circumstances which would justify a departure from that principle. That being the feeling on both sides, it did appear to him that the record of the opinion of the right hon. Gentleman and the explanation of the Government of the circumstances under which this departure from the rule had taken place, would be sufficient to prevent such a course being taken on any future occasion unless, as in the present instance, the circumstances should justify it.

Mr. *Hume* thought, that no one who did not approve of the war in Syria could vote the present sum of money. The noble Lord said, that the irregular proceeding on the present occasion would not be drawn into a precedent, and that there would be a sufficient record of their proceedings to prevent this; but no notice of the matter would be placed on their journals; he should like, therefore, to know where this record of irregularity would be found. Would the noble Lord say, that the carrying on the war in Syria was essential to the preservation of the peace of Europe? He contended that if the noble Lord had not signed the convention of the 15th of July, the peace of Europe would have been where it was, and there would have been no interruption of our friendly relations with France. We had interfered unnecessarily, and when no British interests were involved. What he complained of was, that the war had been carried on without the sanction of Parliament, and if the House did its duty it would not concur in this vote. If the subject had been fully debated last year, it might have been shown that, in the steps taken, no hostile intentions were entertained against France, and the noble Lord the Secretary for Foreign Affairs might have entered upon the necessary explanations so as to have satisfied the people of France, and to have shown them that no insult or slight was intended to them. Instead, however, of doing this, he had fitted out every ship he could procure, and had attempted to stir up and excite a rebellion in Syria, in the most unconstitutional manner. He objected to paying any money for this war until they had discussed its policy, and until the documents had been laid on the Table explaining all the circumstances. If this was done and the expediency of the proceedings was shown, there would be no hesitation to vote the supplies, but at present, if he divided alone, he should take the sense of the House against the vote.

The *Chancellor of the Exchequer* wished to remind the hon. Gentleman that he did not commit himself to any vote of approbation of the policy pursued towards Syria by sanctioning the present vote. With respect to the objection to the proceeding, he did not believe there was any doubt as to the principle, and that this case was an exception owing to peculiar circumstances, and that the rule was, that Parliament should be consulted on all occasions previous to the expenditure of the public money.

If the House adopted the suggestion of the hon. Member, and refused to vote any money for the navy for the present, the result must be that the Admiralty must issue orders for the dismantling the fleet. If the hon. Gentleman thought the policy of the Government was objectionable, he should at once propose a vote of censure in an open and straightforward manner, so that they might be put on their defence, but the adoption of the present proceeding was objectionable; for if the hon. Gentleman succeeded in his opposition, the Government would not know how to deal with the naval force of the country.

Mr. *Goulburn* said, that all agreed that this was not a matter of trifling importance; he would therefore suggest that the vote should be withdrawn, and be proposed in an amended form. For instance, that there should be added to it some words explanatory of the extraordinary circumstances of the case, and declaring that it was not to be drawn into a precedent. It might also be stated, that the excess on the estimates of last year was occasioned by special circumstances, not known until Parliament had broken up. This he thought would be sufficient to guard against the repetition of the proceeding.

The *Chancellor of the Exchequer* quite concurred with the right hon. Gentleman as to the propriety of marking this as an extraordinary case. He should think it would be better to pass a separate act of Parliament for the purpose, a special Appropriation Act, authorising them to apply this supplemental sum for the expenses of the last year; and in the preamble of this act some such words as those suggested might be introduced.

Sir *R. Peel* thought this the best plan that could be adopted.

Mr. *C. Wood* also expressed his opinion that the mode suggested was the most advisable.

Mr. *Hume* did not see how the proposal of the right hon. Gentleman altered the case. The question for the House to determine, in the first place, was, whether the Syrian policy was a just one; and he thought it better to postpone the vote altogether until this point was settled.

Sir *R. Peel* looked upon the vote as quite irrespective of the policy of Ministers as to Syria. Whether the policy was right or wrong, the forces employed must be paid in the mean time.

Lord *F. Egerton* did not see how the sanctioning this vote committed hon. Gentlemen to the policy of Ministers.

Lord *Claude Hamilton* should support the hon. Member for Kilkenny if he divided the committee. It was all very well to talk of the peace of Europe having been preserved by the expenditure of this sum of 161,000*l.*, but what he wished to know was, how it had happened that the peace of Europe had become endangered? He looked upon the policy of the noble Lord as having involved this and other countries in the feuds of war, and as for the sum applied for, which was spoken of as so trifling a matter, he regarded it but as a small instalment of very large payments in which this country would be involved by the policy of her Majesty's present advisers. Parliament should beware how it lightly passed over the consideration of the perils in which the proceedings of the noble Lord opposite had placed the peace of Europe.

Colonel *Sibthorp* said, this was another glaring instance of the utter inconsistency between the professions of her Majesty's present particularly economical Government and their practice. It was a mere farce to see hon. Gentlemen opposite, who on the hustings talked so largely about their care of the public purse, so utterly indifferent to the waste of the public money in the House.

Mr. *Hume* said, that he should divide the committee, as he had no other mode of marking his detestation of the policy of Ministers as to Syria.

The committee divided on the Question, "That a sum not exceeding 161,500*l.*, be granted to her Majesty, to defray the excess of the naval expenditure beyond the grants for the year ending on the 31st day of March, 1841." Ayes 89; Noes 8; Majority 81.

List of the AYES.

Abercromby, hn. G.R.	Brocklehurst, J.
A'Court, Captain	Brotherton, J.
Adam, Admiral	Busfeild, W.
Archbold, R.	Canning, rt. hn. Sir S.
Baring, rt. hn. F. T.	Chapman, A.
Barnard, E. G.	Chichester, Sir B.
Berkeley, hon. H.	Clay, W.
Bewes, T.	Clerk, Sir G.
Blair, J.	Cochrane, Sir T. J.
Bodkin, J. J.	Collier, J.
Bramston, T. W.	Corry, hon. H.
Bridgeman, H.	Dalrymple, Sir A.
Briscoe, J. I.	Eastnor, Viscount

Egerton, Lord F.	Norreys, Sir D. J.
Elliot, hon. J. E.	O'Brien, W. S.
Ellice, Captain A.	Palmerston, Viscount
Ferguson, Sir R.	Parnell, rt. hn. Sir H.
Gordon, R.	Pechell, Captain
Goulburn, rt. hn. H.	Pinney, W.
Harcourt, G. G.	Plumtre, J. P.
Heathcoat, J.	Power, J.
Hector, C. J.	Price, Sir R.
Hepburn, Sir T. B.	Roche, W.
Hobhouse, T. B.	Rose, rt. hn. Sir G.
Holland, R.	Russell, Lord J.
Horsman, E.	Rutherford, rt. hn. A.
Hoskins, K.	Seale, Sir J. H.
Howard, hn. E. G. G.	Sheil, rt. hn. R. L.
Howard, P. H.	Smith, R. V.
James, W.	Somers, J. P.
Jermyn, Earl	Stansfield, W. R. C.
Johnstone, H.	Stock, Sergeant
Kemble, H.	Style, Sir C.
Knatchbull, rt. hon.	Tufnell, H.
Sir E.	Turner, E.
Langdale, hon. C.	Verney, Sir H.
Lennox, Lord G.	Vivian, Major C.
Macaulay, rt. hn. T. B.	White, A.
Mackenzie, W. F.	White, L.
Maule, hon. F.	White, S.
Maunsell, T. P.	Winnington, Sir T. E.
Melgund, Viscount	Wood, C.
Morris, D.	Wood, B.
Morrison, J.	
Muskett, G. A.	TELLERS.
Nagle, Sir R.	O'Ferrall, More
Nicholl, J.	Dalmeny, Lord

List of the NOES.

Dick, Q.	Turner, W.
D'Israeli, B.	Wakley, T.
Fielden, J.	
Hamilton, Lord C.	TELLERS.
Johnston, General	Hume, J.
Marsland, H.	Sibthorp, Colonel

The next vote was 1,443,711*l.* for wages to seamen and marines.

Mr. Corry said, that however willing he might be to give the Board of Admiralty credit for their tardy exertions, he could not agree with the hon. Member who moved the estimates, in thinking either that a justification of the naval policy of the Government, or a refutation of the exceptions which were taken to it, was to be found in the successful results of the recent operations on the coast of Syria. He denied that they had ever doubted that the navy, whenever it might be called into action, would do its duty. What they had doubted was whether the Government in its administration of the navy was doing its duty. They maintained that it was not. It would be in the recollection of the committee, that during the discussions on the state of the

navy in 1839, the part of the naval policy of the Government to which the strongest objection had been raised, was the defenceless condition in which the shores of England had been left, at a time when our foreign relations were not such as to warrant any great confidence in the continuance of peace. They were assured, however, by the noble Lord, the Secretary for Foreign Affairs, that there was nothing in the relations between this country and Russia to justify an opinion that we were in a state in which a rupture with Russia was likely to arise. Within three months of the time when they had received this pacific assurance circumstances occurred in the east which caused great uneasiness in the minds of her Majesty's Ministers, lest they should lead to the occupation of Constantinople by the forces of Russia, in fulfilment of the engagement which that power had contracted with the Porte in the treaty of Unkiar 'Skelessi, and they had learned from disclosures lately made in the French Chambers and elsewhere, that on this contingency arising a combined English and French fleet was to have appeared off Constantinople, and to have insisted at the cannon's mouth on the immediate withdrawal of the Russian forces. He asked could any greater provocation have been offered to Russia than this? And were any preparations made against an attack from Russia in case she had resented it? Absolutely none; although it was the opinion of one Member at least of the Cabinet, that war would have resulted from it. He must say, that in the whole of these proceedings her Majesty's Ministers appeared to have shown a most culpable indifference to the consequences which might have resulted from their policy, and he thought that our naval preparations in 1839, with reference at least to the defence of our own shores, were by no means adapted to what they now knew to have been the state of our foreign relations at that period. It was obviously impossible to foresee with any degree of certainty, at the commencement of the year, what amount of force might be required before its conclusion for the protection of British interests, or the furtherance of British policy on given stations. At the commencement of the last Session of Parliament, the unanimity and concord which subsisted among the great powers was announced in the Speech from the

Throne; but before the conclusion of the Session that unanimity and concord were at an end, and France was threatening to oppose by force the execution of the treaty into which the other powers had entered for the settlement of the Eastern question. The English squadron in the Mediterranean, which at the former period had consisted of fourteen sail-of-the-line, had at the latter been reduced (for what reason her Majesty's Ministers might perhaps be able to explain) to twelve sail-of-the-line, a force very inferior to that of France on the same station in ships, and still more so in guns and men. Indeed, it could not be denied by her Majesty's Ministers, that they participated in the general apprehensions that were entertained of French intervention in favour of the Pasha of Egypt, for the noble Lord, the Secretary for the Colonies, in moving the thanks of the House to Sir R. Stopford, very properly observed, that in the state of Europe during the time that he was acting on the coast of Syria, the appearances of peace being disturbed were so alarming, that it was not sufficient he should consider he had no enemy to deal with but the Pasha of Egypt, but that it was necessary he should also consider that there was a chance of the contingency arising of a great European power sending its fleet to the assistance of the Pasha. The noble Lord thus admitted, that the interference of France was a contingency against which it was necessary to provide. Under these circumstances, it was obviously of the very last importance, that reinforcements should be sent out to Sir R. Stopford with the least possible delay. But whence were ships to be obtained? The time was, during a period too of profound peace, when Sir G. Cockburn was at the Admiralty, that twelve ships-of-the-line could be sent to sea on three days' notice. But the system under which that proof of vigour and of preparation had been displayed to the world had long been abandoned. There were, indeed in our ports two ships-of-the-line, the Vanguard and the Rodney, fitting to supply the vacancies they had themselves made in the Mediterranean fleet; but, although every exertion was made to expedite their equipment with the least possible delay, and although one of them had been commissioned upwards of three months, and the other upwards of two months, before the signing of the treaty of July, their ser-

vices were not available to Sir R. Stopford until upwards of three months after the signing of the treaty, as they could not be got ready so as to arrive on the coast of Syria till towards the end of October, only a few days before the bombardment of Acre, the concluding act of the naval operations on that coast. The result of this wretched system, to object to which, in the opinion of the noble Lord at the head of the Admiralty, as he had stated elsewhere, was faction and calumny, was, that the English squadron in the Mediterranean was left exposed during the whole of the time it was acting on the coast of Syria to an attack from a superior French force, for which the noble Lord said, it was necessary it should be prepared, neither the Howe nor the Britannia having joined Sir R. Stopford until two months after all the operations and all apprehensions of French intervention were alike at an end, when he was resting in security after his dangers and his triumphs in Marmorice Bay. He believed these were the three principal objections which had been made to the naval policy of the Government; the inadequacy of the complements; the suspension of building ships of the larger class; and the defenceless state of the shores of England; and the hon. Member would show more ingenuity than he was disposed to give him credit for, if he would point out in what respect they had been refuted by the recent events on the coast of Syria. He had no objection whatever to make to the estimates now before the House, certainly not on the ground of their being too large. On the contrary, when it was considered, that a large section of the naval force of the country, between 3,000 and 4,000 men, was absorbed in the operations on the coast of China, which did not seem likely to be brought to a very speedy conclusion, and that the armaments of neighbouring nations were on a scale of unusual magnitude, he doubted whether the number of men, for which a vote was now asked would prove sufficient to meet all the exigencies of the public service. Her Majesty's Ministers ought, however, to be the best judges on this point, from their better acquaintance with the state of our foreign relations: but he must confess, that the little confidence he had even had in them in this respect had been shaken by the experience of the last two years.

Lord *G. Lennox* hoped the Government meant to take some measures for putting the privates and non-commissioned officers of marines on the same footing with the rest of her Majesty's troops. A British soldier who served for ten years in the West-Indies was allowed for it fifteen years in his pension, and when he came back, and spent ten years in England, he received his pension for twenty-five years. But ten years' service of a marine in the West-Indies only counted for ten years, and ten years at home for five years; so that, for the same length of service for which the soldier received twenty-five years' pension, the marine only received fifteen years' pension. A good drill-sergeant, who was kept at home, must serve forty years for a twenty years' pension. He did not think the marine officers had received promotion commensurate with their services in the late brilliant transactions in Syria. Seventy-six naval officers had been promoted, and only three officers of marines out of forty. If something were not done to remove the odious distinctions between the marines and the soldiers, he should take the sense of the House on the subject after Easter.

Captain *Pechell* said, it had been asserted that Admiral Stopford had been left without sufficient force, and that our coast had been left defenceless. But these assertions had been completely answered both in that House and elsewhere. It had been stated in the other House of Parliament, that after twenty-four years of peace, the naval officers of this country were not equal in efficiency to those of France, and that even if they were, there was not that affection and attachment towards the Government which would induce them, if called upon, to engage in action. He was confident that there was no officer who had any such feeling. The late events had clearly shown, that whenever they were called upon to serve their country, their deeds would be such as had ever distinguished the navy of England. He believed, that at no time was the navy in a more prosperous condition, or under better discipline. The attention which had been bestowed on the naval artillery had greatly increased its efficiency. He had himself differed from the Admiralty on many occasions as to minor details; but their general management he cordially approved. The possibility of an engagement with the French fleet had been spoken of,

but where was the French fleet? They had retired to Toulon, because, according to the statement of M. Thiers, they had not proper armaments. The results of the late proceedings had proved the attention paid by the Admiralty to the state of the navy. In fact the French, on all occasions when they had been in the presence of English ships, had expressed their admiration of the skill and ability of our officers and seamen, and this sentiment was not confined to that nation, but was common all over the world. It had been asserted, that the *Britannia* and *Howe* were sent out to take part in the naval engagements on the coast of Syria. He maintained, that the *Britannia* and *Howe* had merely been sent out as relief ships; and he trusted, in conclusion, the hon. Gentlemen would be ready to second him when he came down to the House with a motion for a reward to the brave men engaged at the siege of Acre.

Captain *Berkeley* bore testimony to the admirable precision in gunnery evinced in the late transaction. He believed the science of gunnery was in a state of perfection, such as it had never reached before. He would not say a word in defence of the skill or valour of our naval forces, because they had never been attacked. But he was not satisfied with the manning of the navy. He did not think the Mediterranean fleet was manned as it ought to be, or that it could be fairly matched against a French fleet with war complements; for he had yet to learn that the fleet in the Mediterranean had war complements. He thought no ship of war ought to leave a British port unless perfectly manned, and competent to meet a ship of war of any other nation.

Mr. *A. Chapman* was willing to vote any sum which might be necessary to make the navy efficient. In the late affair the fleet had done its duty. It had done all that was required of it. He could not help giving credit to the Admiralty for having been able to do without the terrible expedient of impressment. He believed that at no former time had so large a number of line-of-battle ships been afloat without recourse having been had to impressment, which was so revolting in itself, and so great an interference with the merchant service.

Lord *Francis Egerton* thought that the subject adverted to by the hon. Member for Bristol (Captain *Berkeley*) was

worthy of the utmost attention of the Admiralty. He should mention a fact which bore upon the subject. He had seen the French vessel *Montebello* in the harbour of Smyrna, she carried 130 guns, and was the largest in the French navy. She did not throw a heavier broadside than the *Princess Charlotte*, but he was told she had on board 1,113 men. He would leave it to the Admiralty to remember how many men the *Princess Charlotte* had on board. He did not think the proceedings in Syria decisive as to the competency of the fleet to resist a French fleet in the Mediterranean. At Acre the ships had thrown but one broadside. If there had been an engagement with the French fleet he had no doubt Admiral Stopford's ship would have been placed—in a position similar to that of the *Victory* at Trafalgar—between two of the heaviest enemy's ships he could select. In such a case the trial might have been very severe. He begged it to be understood that he meant no attack upon the Admiralty. He had spoken on a former occasion of the skill in gunnery shown in her Majesty's service, and had mentioned three officers as the persons to whom improvements were owing. Another officer who was concerned in producing the effect had, with some justice, considered himself aggrieved in not being mentioned. He had ascertained that the claim of this gentleman was perfectly well founded. He believed that Sir Howard Douglas had first brought the subject scientifically forward, and Captain George Smith had reduced it to practice under Lord Melville. Captain Smith had been posted by the Government of the day, as a mark of the estimation in which they held his services.

Captain *A'Court* said, the discussions on the navy had been of great benefit to the service. He trusted that now, when war was appearing on every side, the full war complements of the ships would be made up. He did not think the success at Acre a proof of the power of the fleet to meet an engagement, because they were at anchor, and had only one broadside to be attended to.

Mr. *C. Wood* said, that whether in or out of office, he had always protested against questions like this being raised and brought under discussion, which could not produce any effects excepting such as were likely to lead to discontent and in-

subordination, and he did not think that unprofessional Gentlemen in that House were very fit judges what precise number of men were required to man a ship of the line or a frigate. It had been always the practice in times of peace to send ships to sea with less men in them than in time of war, and this the Admiralty had done, in accordance with that principle, and not from any parsimonious spirit. Various charges had before been brought forward against the navy, and it was alleged, that it was in such a state as was most discreditable; but he thought, that notwithstanding all those attacks, it had been found, that the navy was, when put to the proof, in a most efficient and creditable condition. Hon. Gentlemen opposite had indeed, been pleased to say, that all the good that had been done was attributable to themselves—that it was their attacks that urged the Admiralty to place it in its present efficient state; that, in truth, all the good that had been done, was owing to their exertions. He did not understand this. He did not know how the increase of men, in 1836, was to be attributed to the oburgations of 1838, or the building of ships, in 1837, to the attacks that had been made in 1839. The noble Lord, the Member for West Sussex, had made an objection to the effect, that the marines did not get their discharge and pension after the period of twenty-one years, unless they had served the whole of that time at sea, and he compared such a service with that of the soldier. He protested against the practice of drawing an invidious comparison between the two branches of the service. It only led to wrong conclusions, if insulated parts of a case were stated. The noble Lord had omitted the fact, that the marine actually received a higher pension than the soldier, and the noble Lord did not appear to know, that the seaman and marine were both entitled to claim their discharge at a certain period, which was not the case with the soldier. As a matter of favour, and not as a matter of right, the soldier in the army might get his discharge at a particular period, he believed about twenty-four years in the infantry of the line, or twenty-seven years in the cavalry. After twenty-one years, as a matter of right, the marine and seaman could claim their discharge, but as the marine's service was continuous, and the seaman's seldom was, unless some such regulation as that of which the noble Lord complained was made, the ma-

rine would enjoy an advantage over the sailor which never was intended.

Lord G. *Lennox* hoped that the House would agree with him, that it was most unfair to put the marine upon the same footing as the sailor, who was not required to perform the same extent of duties. It was an undoubted fact that for the late affair of Syria, there were seventy six officers promoted, and only three marines. He thought this was very unfair dealing towards the latter, who should have been put upon the same footing as the officers. He would, however, give an opportunity to every Member of that House at some future period, to give his opinion upon this subject of the treatment of the marines, when it was his intention to bring the question before the House.

Mr. *Plumptre* said, in answer to an observation which had fallen from the hon. Member for Halifax, he thought that this was a very proper subject to discuss in that House, and he considered that every country Gentleman in it had a perfect right to express his opinion upon the state of the navy, if he thought it necessary to do so. He was of opinion that the navy was not in as efficient a state as it might be.

Mr. *C. Wood*, in reply to the last Speaker, said he did not mean to circumscribe any hon. Member's right to address the House upon a naval subject although he might be a civilian. At the same time he could not refrain from saying, that the practice, which but too frequently was followed within those walls, of denouncing the conduct of the Admiralty without hon. Members having the means of forming a practical opinion or having even had any nautical experience, must have a prejudicial effect upon the service generally, and possibly might produce insubordination aboard our vessels of war.

Sir *C. Adam* said, that it gave him pleasure to find that the habit which had prevailed during the last Session of impugning the conduct of the Admiralty for placing the naval force of the country in an inefficient state of equipment had been disused on the present occasion. It had been a matter of astonishment to all persons cognizant in naval affairs, that so much should have been done by the British fleet on the coasts of Syria, with the means that had been granted to Admiral Sir Robert Stopford. That gallant officer himself had stated the same thing in his

despatches home, but he did not seem to regret that the most of the ships under his command were, as to the complement of men, upon a peace quota, or as it was termed generally a peace establishment. There were in that fleet seventeen sail of the line, and upon examination of the complement of men on board those vessels, it would appear the crews of those vessels were as much as 1,600 short of their war complement. There had been at one time sent out 1,200 or 1,300 disposable marines to make good any deficiency upon emergency. In this way provision was made for all contingencies without impairing the effectiveness of our mercantile marine. The gallant admiral out there had felt the impropriety of drawing upon our mercantile marine for sailors, when the present complement of our men of war had been proved adequate to the discharge of all the required duty. There was always a difficulty in manning a fleet to its full complement from a peace establishment—a sailor was not made in a year. The great object was to procure a competent number of really good men, which though inferior in number rendered the vessel more effective and formidable than a crew more numerous and partly composed of inexperienced men. He held in his hands returns by which, if the House thought necessary, he could prove that many of the crews of the ships of the line engaged in the battles of Trafalgar and the Nile, though in time of a general war, were not greater in amount of men than the crews of vessels under the command of Sir Robert Stopford upon a peace establishment. In reply to the assertion that the scale of promotion had not been proportionate to the professional services and merit of the officers lately engaged in the Mediterranean, he would observe, that there had not been an instance of an officer who had been returned as having distinguished himself in the actions at Acre or other places in Syria failing to obtain a step of brevet rank. When he first came into office he recollected that the men in the dockyards had been reduced in the proportion of 100 out of every 600; that the days of labour in the yards, too, had been reduced from six days to five days per week; that there was a great want of small vessels, and hardly any war-steamers; and that the former Government had been obliged to launch all the large vessels of war. All this had been altered since.

The number of men had been increased to more than their former complement in the several yards—they worked six days and sometimes even more a week. The Admiralty had set itself to procure a competent number of small vessels of war, and steamers of great efficiency, and had got several large men-of-war in a state of preparation on the stocks, where they preferred they should continue, as it was found they deteriorated less than if afloat. To talk of our shores being unprotected, displayed, in his opinion, ignorance of the subject. Was it to be expected that they should have in such a time a fleet in the channel when they had so large and so effective a fleet in those seas where alone there could be expected to be occasion for an imposing force, or were not the ships daily arriving from foreign stations and those in the port of Lisbon not available to protect our ports from insult or danger? He assured the hon. Member opposite, that he had taken an exaggerated estimate of the strength and efficiency of the French navy on those coasts. He believed the French could not compete with our navy in the Mediterranean. There were now twenty-six British line of battle ships in commission and afloat, and fifteen of various classes ready to be put in commission immediately, if occasion required. With such a force he considered the naval defence of the country was perfectly adequate to all possible emergencies.

Sir T. Cochrane said, that the plan formerly adopted of arming vessels *en flute*—that was with a short number of guns, but an adequate number of hands to work those guns—was a plan quite consistent with the efficiency of the ships for the purposes on which they were employed. But the plan more recently adopted of putting all the guns in, but without the proper number of hands to work them, was not so proper. He thought that the attacks and taunts of late years made against Government on account of their neglect of the navy, though much complained of, had produced beneficial results. He did not think that the Admiralty would have made the exertions which they had, particularly in the department of stores, as shown by the returns since the year 1836, if attention had not been called to the subject by Parliament.

Mr. Maunsell said, the Board of Admiralty were entitled to great credit for the exertions used in fitting out ships to rein-

force Sir A. Stopford, and that having witnessed those exertions at Plymouth, he felt that in common justice, he was bound to say so.

Captain Pechell contended that the dockyards were fitly and properly supplied, but it was not good policy to keep a large quantity of stores on hand.

Mr. C. Wood said, that whereas there were eleven ships of the line in 1835, there were twenty in 1837. The increase of stores likewise had been gradual since the year 1835.

Mr. Hume objected to the proposed increase in the number of seamen. If 35,000 men had been sufficient for the purposes required of them last year, what extraordinary occasion was there looked for in the coming year for an additional naval force? He would move, as an amendment, that the proposed vote be reduced from 43,000 men to 35,651, the number last year agreed to; and unless he heard some very satisfactory explanation from some of her Majesty's Ministers on the subject, he should press his amendment to a division.

Viscount Palmerston said, that although the naval force of the country, last year, was sufficient for all the operations in Syria which the Government had undertaken, it did not follow that if other naval countries were found to be greatly increasing their naval forces, it would not be incumbent upon this country also at least to put her force upon an equal footing with those of surrounding nations. He was quite aware that there was no better or more necessary security which this country could have for the continuance of peace, than to put its navy on an equal footing with that of any other country which, under other circumstances, might be tempted by a momentary superiority, to take steps which, if unprovided for by this country, might prove highly inconvenient.

Mr. Hume thought that the best way to preserve peace was to show a disposition to it; and that it would be wiser for England, under the circumstances to set an example of pacific intentions to other countries, by reducing rather than increasing her naval force.

Amendment negatived.

Vote agreed to.

Several other votes were passed.

House resumed.

On the vote for 2,980*l.* to defray the

expenses connected with the office for the registry of merchant seamen,

Mr. *Hume* wished to know from the right hon. Baronet, the Member for Pembroke, whether the act he had introduced for the registry of seamen had realized his expectations.

Sir *J. Graham* replied, that it had greatly exceeded his expectations. The main object he had in view was, to insure constant employment in the merchant service of a large number of apprentices. When the act was introduced, the number so employed was only about 5,000, which by that act was raised to 13,000; but, so far from that number being strictly adhered to, he believed it was, at present, upwards of 22,000. He could not say the exact number; but, perhaps, the hon. Gentleman, the Secretary to the Admiralty, who had access to authentic documents, would.

Mr. *M. O'Ferrall* said, that from July to December, 1840, the number of apprentices employed in the merchant service was 28,506, and that the number now upon the registry was 25,230. Then, with regard to that part of the act which related to registered seamen, in 1835, when the act passed, the number of the ships of Great Britain was 25,511; the tonnage 2,783,000; and the number of men belonging to the merchant navy, 171,021. In 1839, the number of ships was raised to upwards of 27,000, the tonnage to 3,168,000, and the number of men to 191,283; so that, not only was the tonnage and the number of ships on the increase, but the number of men also, and in a still greater proportion.

Vote agreed to.

The *Chairman* reported progress, and obtained leave to sit again.

Adjourned.

HOUSE OF LORDS,

Tuesday, March 2, 1841.

MINUTES.] Petitions presented. By Lord Strafford, and the Marquess of Downshire, from places in Donegal, and from Presbyterians of Dublin, against the principle of Intrusion of Ministers into the Church of Scotland.—By the Duke of Cleveland, from Sunderland, in favour of the Drainage Bill.

TURNPIKE TRUSTS.] The Marquess of *Salisbury* begged to know of the noble Marquess opposite whether it was the intention of her Majesty's Government to introduce a bill into Parliament in con-

formity with the recommendation of the commissioners of inquiry into Turnpike Trusts? The subject was one of considerable importance, and great anxiety was felt in the country respecting it.

The Marquess of *Normanby* was not unmindful, he said, of the great interest felt upon the matter alluded to by the noble Marquess, whom he assured that a measure was in preparation to be brought into the other House of Parliament as soon as the great pressure of public business in that department had been got rid of.

CHURCH OF SCOTLAND.] The Earl of *Dalhousie* rose, pursuant to the notice which he had given on the preceding evening, to put a question to his noble Friend near him, with respect to a bill introduced to the House by his noble Friend in the last Session, regarding the admission of ministers to the Church of Scotland. That bill had been read a second time, but was not proceeded with further; and he wished to know what were the intentions of his noble Friend with respect to the question to which it related. After the statement made by the noble Viscount opposite, that it was not the intention of her Majesty's Government to introduce any measure on the subject, it became very desirable that the uneasiness which prevailed in Scotland with respect to the course that was to be taken on this question should, as soon as possible, be relieved. If the measure of his noble Friend had been carried last year, either by the unanimous concurrence of the House, or by a large majority of their Lordships, it would have put an end to the hopes of the extreme party in Scotland, and, he believed, would have been attended by all the beneficial effects that were expected from it. But, since that measure was withdrawn, the clergy had carried their demands much further than before. Instead of calling for the sanction of parliament to a mere veto on the admission of ministers, they now demanded the abolition of patronage altogether. The extreme party had prepared and brought forward a bond which bore on the face of it the character of a solemn covenant. It was headed "An Engagement in defence of the Liberty of the Church of Scotland," and by it they engaged in "holy covenant to maintain at all hazards, the principles therein set forth, and on no account to make any sur-

render or compromise of them." When he saw this feeling he came to the conclusion, that any measure such as that which was brought forward in the last session of Parliament could be attended with no beneficial result, and that the best course would be, as the demands were so extravagant and monstrous, to leave the law as it at present stood, to see that its provisions were rigorously enforced, and that its authority was vindicated on the heads of those who violated or evaded it. He believed that a vast majority of the people of Scotland who could form an opinion on the subject were opposed to these demands, that a large majority of the clergy objected to them, and the general body of the Dissenters of Scotland had publicly expressed their disapproval of them. If, then, those who insisted on these demands continued to stir up agitation of this description—if they continued to compel Presbyteries to refuse admission to ministers on illegal grounds, the ultimate result would be, that on them the penalty of the law would be inflicted. If, unfortunately, they should so act, they were alone to blame. He begged, in conclusion, to ask the noble Earl whether it was his intention to proceed with the bill, which he had in the last Session of Parliament introduced, regarding the admission of ministers into the church of Scotland, or any other measure to that effect.

The Earl of *Aberdeen* was not sorry, he said, to have heard the question which had been just put to him, for he had received communications from numerous parts of Scotland, making similar inquiries. He was therefore glad of the present opportunity of answering the question. In doing so, he would state the course that he intended to pursue, and the reasons of doing so. He was perfectly well aware of the fact, that the subject had lost none of its interest in Scotland since last Session. It had, however, of late, assumed a new feature. It might seem strange that he should not persevere in a measure which had last Session been so dealt with—a measure which a large majority of the House supported—a measure which was responded to by so large a portion of the parochial clergy of Scotland (when he spoke of the parochial clergy, he did not include the chapel ministers)—a measure which was sanctioned by so large a body of the laity of all ranks and conditions. Nevertheless, he could not forget that her

Majesty's Government had declined to interfere in it. True it was, that the noble Viscount opposite had abstained from giving any opinion respecting it; and, therefore, the noble Viscount stood perfectly unpledged; but, he (Lord Aberdeen) knew that the noble and learned Lord who presided on the woolsack strongly objected to the bill, considering it a violation of the rights of patronage. The General Assembly also objected to it. They viewed it as incompatible with the interests of the church, and as rivetting the chains of patronage still more; nay, they spoke of it as an attempt to dethrone the REDEEMER from his seat. These objections were forcing the people asunder, and whether the bill were liable to both or neither he would not then inquire. He hoped his measure was justly liable to neither, but, if so, he left it to the reason of any man in his senses to decide which might, with the most appearance of reason, be urged, but different as those objections were when they came to be united in practical opposition to the measure, they appeared to him to deprive it of all chance of effecting the only good he had hoped from it, that of restoring peace to the Church, and when that opposition was aided practically by her Majesty's Government, and the dominant party in the Assembly, he was satisfied, that it would prevent the beneficial effect which he had been sanguine enough to anticipate. It was in consequence of this feeling that he did not press his measure through the House. He was not aware, that any change had occurred in either of the parties which objected to his bill, and therefore the same reason would prevent him from pressing it upon the House in the present Session. But there was an additional reason. He had been told last year that the object of the petitioners for non-intrusion was the total abolition of patronage; and though he did not at the time believe it, he had some reason to think that this was the real object at which the party referred to aimed. The measure he introduced was certainly not calculated to satisfy them on this point, and therefore for this and the previous reasons it would be useless to revive it. He understood her Majesty's Government had maturely considered the subject, and that they had come to the determination to preserve the law as it at present stood. He had nothing to quarrel with in that declaration,

for, as matters stood at present, he did not see how they could adopt a more judicious course. He lamented the course taken last year, but, no doubt, the noble Viscount acted in a manner which he thought consistent with his duty. But, to make that declaration effectual, it must be honest and sincere. He did not mean to intimate any doubt of the honesty or sincerity of the noble Viscount himself, but that he must take care that the other members of his Government acted and spoke in harmony with him. Unless he did so, the people of Scotland would be misled and deceived. For instance, the principal law officer there, the Lord Advocate was looked upon (he was sure erroneously) as the principal supporter of the extreme party. In this country they knew how to estimate the dimensions of a Lord Advocate; but in Scotland he was looked upon as a much more important personage than the noble Viscount himself—he was, in fact, the Government. He was happy, however, to find that the Lord Advocate had retreated from the wrong position in which he had placed himself, and that he had declined to attend at a public dinner, on the ground that a public demonstration at that time would not advance their common objects. These objects were the destruction of all patronage, and the stigmatising the judgment of the Supreme Courts in Scotland, and of that House. Such declarations were very injurious, and the dominant party in the Assembly of Scotland had circulated a report that it was his intention, or the intention of a noble Duke, to bring forward a measure of a much more coercive and stringent character. They knew perfectly well that such was not his intention. But it formed a good subject for declamation and abuse, and they were sufficiently unscrupulous to resort to it. There was nothing they desired so much as a little persecution. At present they were the tyrannical and persecuting party, and cruelly they had persecuted their brethren, for no act but their obedience to the law of the land. That was the “head and front of their offending.” He could only say, that it never entered into his contemplation to introduce any more stringent measure. No doubt, if temperately and steadily administered, the law would be too strong for these reverend agitators. He begged the noble Viscount to be consistent, and not to imagine that a declaration in the House, un-

accompanied by uniformity of conduct in the members of his Government, would produce the results which he was satisfied they all wished and desired.

Subject at an end.

SERVICES IN SYRIA.] The Earl of Minto said, that a clerical error had occurred in the motion for a vote of thanks to the officers who had served on the coast of Syria, which he was anxious to correct. The name of Sir Charles Frederick Smith had been introduced, instead of that of Sir Charles Felix Smith. He was the more anxious to correct this error, as there was another officer of the former name in the same corps. He, therefore, moved, that the vote should be amended, and the name of Sir Charles Felix Smith be substituted for that which had been inserted.

Agreed to.—Adjourned.

HOUSE OF COMMONS,

Tuesday, March 2, 1841.

MINUTES.] Bills. Read a first time:—Double Costs, &c.; Drainage (Ireland).—Read a second time:—Turnpike Acts Continuance.

Petitions presented. By Mr. Colquhoun, and Sir R. Inglis, from places in Suffolk, Shropshire, Norfolk, and Scotland, against the Continuance of the Grant to Maynooth.—By Sir C. Styles, and Sergeant Jackson, from Donegal, and Kilkenny, in favour of Lord Stanley's Irish Registration Bill.—By Mr. Ashton Yates, Mr. M. J. O'Connell, and Mr. E. Roche, from Carlow, Kerry, and Cork, for Lord Morpeth's Irish Registration Bill.—By Mr. Trotter, Mr. T. Parker, Mr. Hodges, Mr. Fielden, and others, from West Surry, places in Lancashire, Canterbury, and other places, against the Continuance of the Poor-law Bill.—By Mr. Bailey, and Mr. Plumtre, from Gloucester, and East Kent, for Church Extension.—By Mr. Aglionby, from Cumberland, that the recommendation of the Marine Society Committee may be carried into effect.—By Sir R. Bateson, and Mr. Fox Maule, from Presbyteries in Ireland, from Lawrence-Kirk, and other places, against Church Patronage in Scotland.—By Mr. Grimditch, Mr. M. Phillips, and Mr. Turner, from Manchester, against the Copyright of Designs Bill.—By Mr. T. Duncombe, from the Chartist Association of Liverpool, for Pardon to Frost, Williams, and Jones, the Release of Mr. O'Connor, and Mr. Bronterre O'Brien, for the Dismissal of Ministers, and for Universal Suffrage.—By Lord Eliot, from Cornwall, for Medical Reform.

ADMINISTRATION OF JUSTICE—SCOTLAND.] Mr. Wallace in rising to bring before the House the motion of which he had given notice, said he would endeavour to be as brief as he could, and he trusted he should make out such a case as would entitle him to a “committee to inquire into the nature and extent of the duties still incumbent on the holders of the now nearly sinecure office of sheriff principal, or chief stipendiary judge for each county

in Scotland; and, also, to inquire into the nature and effects of the degrading system under which the above class of stipendiary judges nominate and appoint stipendiary deputy judges, which judges are also paid out of the Exchequer; and, like all other deputies, are called upon to perform, and actually do perform, almost the whole of the highly essential and most laborious duties thus cast upon the useful class of judges, who preside so satisfactorily over the county courts of Scotland." He addressed himself more particularly to the Members of Scotland, and he would ask them whether or not, throughout that country, there was not an universal belief that the sheriffs' courts were capable of very considerable improvement. His object was, not to destroy but to improve; and he sought the appointment of a committee that the state of those courts might be looked into with a view to their improvement. In the first place, there were, in the narrow and poor country of Scotland, no fewer than eighty stipendiary judges to do the duty of the county courts, thirty of whom were sinecurists, whilst, by the bill which had been introduced by his hon. Friend the Under Secretary for the Home Department, and for which he (Mr. Wallace) gave him the utmost possible praise, and which he believed would confer an inestimable benefit upon England, it was sought to appoint only twenty-five similar judges for this country. Thirty of the judges in Scotland were nothing better than sinecurists. By the Act of Jurisdiction, passed in the time of George 2nd, (and which was the original act appointing sheriffs in Scotland), it was provided and intended that those judges should hold itinerant courts during the year. The Crown could command the judges to do so, but such had been the influence of the legal profession in Edinburgh, that these judges were never permitted to perform that most constitutional duty. He should be surprised to hear how his hon. Friend (Mr. Fox Maule) could defend the system proposed to be adopted in England, and yet deny to Scotland the very same machinery that it was believed would be so very beneficial to this country. In Scotland there were two sets of judges. One set (consisting of thirty) were merely sinecurists; the other set were the nominees, or deputy judges, (consisting of fifty), appointed by the thirty sinecure judges. Could anything be more mon-

strous than a system which admitted of judges to be nominated by other sinecure judges, and yet to be paid by the public? There had been many bad appointments under this system, and it was, nevertheless the fact, that the nominee judges were far superior to those who appointed them. The reason was obvious: one set held their courts openly, and the public eye was continually upon them, while the others sat in holes and corners in Edinburgh, known to nobody. This was the distinction. He expected to be told that the report of the law commission had sanctioned the late act of Parliament for the improvement of the sheriffs' courts; and that the commissioners had expressed a strong opinion, which ought to bear against the appointment of the committee he was anxious to obtain. But he was now about to bring a heavy charge against the members of that commission, inasmuch as they had not duly extracted from the Jurisdiction Act, but had raised their superstructure upon a false, and he would almost say, a scandalous foundation. He used those words advisedly, and he would endeavour to prove them. The Jurisdiction Act provided,

"That it should be lawful for the said sheriffs principal, or sheriffs substitute, not only to hold their own regular courts, but also to hold itinerant courts, at such times and places within their respective jurisdictions as they should judge to be expedient, or at such times and places as should be directed by his Majesty, his heirs, and successors, by warrant under his or their sign manual."

Notice was also required to be given before such courts should be held. He considered that the understanding of the legislature was, that these judges were to make itinerant courts. The sheriff substitute did now hold itinerant courts, but the sheriffs principal were debarred through the power, influence, or direction of the court of session from doing so. He did not know how it was accomplished, but they had managed to prevent the principals from holding any such courts. Again, there was another charge he had to make against the commissioners respecting the residence of the sheriffs. By the Jurisdiction Act, it was required that every sheriff should reside personally within his county, shire, or stewartry, during the space of four months in each year. Now, what did the law commissioners say? In page 26 of their first report, they quoted the act thus:—

"It is further provided by the Act of George 2nd, cap. 23, sec. 39, that every sheriff depute, or his substitute, should reside in his county for four months in the course of the year."

He would ask the learned Lord where any such words were to be found in the act? He accused the law commissioners (and the learned Lord Advocate was one of them), of having stated in the report, as an abstract, that which was not true; and that it had been done for the purpose of erecting a superstructure which, if a committee were granted, he had not the least doubt would be completely overthrown. He would now pass on to the next part of his subject, stating only his utter want of confidence in anything which that report contained. This report was under the first commission granted for inquiring into the Scotch courts. The second commission was granted, and they were enjoined to do this, among other things—namely, to inquire into the expediency of circuits being performed by a certain number of non-resident sheriffs. Here was an order given to the commissioners to make an inquiry which they had never dared to make. They had blinked their duty, and had left it unperformed, because they knew that such a case would be made out as would make it absolutely incumbent upon the House of Commons to inquire into the subject of the Scotch Courts. The learned Lord opposite well knew that in place of requiring the sheriffs to remain in their county, the act only required that they should hold eight sham courts throughout the year. He called them sham courts, because the public were not admitted to them, and, in fact, knew little or nothing about them. The act enjoined that the twenty-eight non-resident judges should be regular practising barristers in Edinburgh; it created in Edinburgh twenty-eight courts of appeal from the county courts of Scotland. Was it possible that any country could require twenty-eight courts of appeal from twenty-eight county judges? That was the state of the courts in Scotland—a state which caused universal confusion and disgust all over that country. Another reason for appointing the committee which he asked for was, that the House of Commons had passed a bill which contained four clauses which regulated the duties of those courts; yet those duties were conducted in a most unsatisfactory manner, in consequence of

the other House having thrown out those clauses. It was for the honour of the House that a committee should be appointed, in order to see whether degradation had not been inflicted upon that House by such conduct. The practice of the courts was most objectionable. It admitted of two records before them at the same time; and such was the system, that no witnesses were ever heard or interrogated in court; the judge never pronounced his sentence from the bench, but read it from a paper, so that the public received no benefit from them. In all the other courts of Scotland it was understood that they were open for the public good, but in the county courts it was all a dumb show; the judges—like the oracle of Delphos—were out of sight, and out of hearing; nobody knew anything of the matter, until they gave out their decision upon a scrap of paper, for which nobody entertained any respect. He had already endeavoured to describe the nature of the Scotch judges, of whom in all there were eighty. He might probably be told that those judges were men of high learning and acquirements—of great professional practice—men well qualified to act as judges. But he could tell the House, from accurate information which he had obtained on the subject, that out of the thirty sheriffs depute, who were old men, eight had retired from business altogether, eleven of them might fairly be called old women, nine were in pretty fair practice, and two of them presided most beneficially in their own courts. There was an anomaly in the Scotch courts which was not in those of any other portion of the United Kingdom—some of the judges were ordered to be in their courts continually, while others were not required to be so. He (Mr. Wallace) moved in committee last year to know how many leading advocates there were at the Scotch bar. The question was answered, and he had then asked what were their names, and could he have them. The answer was "No." However, he had learned their names from one of the witnesses, who gave evidence before the committee, and he found that not one of the sheriffs was a leading counsel. The bill before them for England, which gave twenty-five judges, was an excellent one, and the hon. Baronet was to move to-night for funds to pay those judges, and if there were not sufficient funds for that purpose, he (Mr. Wallace) would show

him were there were plenty of spare judges and spare funds. However, he would not propose for England what he thought unfit for Scotland. He had learned from the hon. Member for Bandon, who was on the committee of last year, and who paid the closest attention to the subject, that there were thirty-four assistant barristers. Where, then, could be the necessity for eighty judges in Scotland? Nineteen of that number were totally incompetent to discharge their duties; nine or ten did their duties as barristers, but they did no duties as public judges. It was a mere farce—a disgraceful and positive system of patronage—and not a matter at all for which the public money ought to be expended. Let them look also at the expense. He found that the thirty-four judges in Ireland had but 500*l.* a-year each, making 17,000*l.*; the twenty-five judges proposed for England were to have 1,200*l.* a-year each, making 30,000*l.* a-year for England. But how did the matter stand in Scotland? Why, there were thirty sinecure judges, who had not less than 700*l.* a-year each, that made 21,000*l.*; and there were fifty deputies, or nominees, who had amongst them 20,150*l.* a-year: making 41,150*l.* for the county judges in poor Scotland; all of which was paid out of the pockets of the public. Besides, in Scotland they had to pay fees on each sentence of transportation, although the sentence had never been carried into effect. That he thought was a positive waste of public money. In short, the whole system required amendment; but he knew why the present Lord-advocate, like his predecessors, was opposed to all reform in the appointment of Scotch judges, and, indeed, he did not believe that any Lord-advocate would be returned to that House, if he stood out boldly for a thorough reformation of the Scotch courts. He had endeavoured to show the House that a committee ought to be appointed, and he should certainly divide the House upon it. He hoped that those Gentlemen who intended to vote against him would be able to tell their constituents why they would not have the Scotch courts improved; but he should be surprised if any man got up and said that those courts were not capable of improvement. He was not willing that Scotland should be degraded, and the people plundered, for the mere sake of patronage, a much higher value being set upon it than

the thing was worth, even when a contested election came. The hon. Member concluded by stating that he was willing to alter the wording of the motion of which he had given notice, his sole object being inquiry; and therefore he would content himself with moving that a committee be appointed to inquire into the nature and extent of the duties of the sheriff principal or chief stipendiary judge for each county in Scotland, and into the system of nominating stipendiary deputy judges.

The *Lord Advocate* said, that he had listened with all due attention to what had fallen from the hon. Gentleman, in order to discover the grounds on which he demanded this inquiry; an inquiry into a system which, without referring to any evidence whatever, the hon. Gentleman had chosen to assume to be utterly unnecessary, namely, the system by which a most important class of public officers, the deputy sheriffs of Scotland, were appointed. The hon. Gentleman had himself bestowed on those officers great praise, but not more than was due to them; but he had, at the same time, declared that the system by which they were nominated and appointed was a degrading system. It was at least satisfactory to him, and he knew it would be so to the people of Scotland, as well as to that House, to know that in whatever manner that hon. Gentleman might choose to characterise the system of their appointment, he was obliged to confess that the sheriffs depute were a most useful class of officers, and that they discharged most onerous duties with honour and credit to themselves, and satisfaction to all. He confessed that, on looking at the terms of the motion, with the experience he had had of the manner in which the hon. Gentleman conducted his motions, he was not at all surprised at the tone and temper with which he had entered into the discussion of this subject; but he did not think it worth while to take any further notice of that time and temper. The hon. Member had used very strong language with reference to the sheriffs themselves, which he (the Lord Advocate) knew would be rebutted in Scotland. The hon. Member had said that his noble Friend had stated that he was willing to grant the committee of inquiry if the House should think it right; that might be so, but he thought the statements of the hon. Member himself afforded sufficient grounds for the House to withhold its assent to the proposed inquiry.

The very statement of the hon. Member for Greenock, that no Gentleman could hope to be returned from large towns in Scotland who endeavoured to overthrow the present system connected with local courts, showed how popular that system was. The hon. Member hardly appeared to understand the subject in many of its bearings, but he had admitted that the existing arrangements gave great satisfaction in Scotland. He did not seem to be aware that a commission appointed by the Crown had reported strongly in favour of the continuance of that to which the hon. Member so strongly objected, and when he accused the commissioners of having misrepresented the statute law of the land, and particularly the 20 George 2nd, c. 43, he could not have adverted to the fact that the very terms of that act were employed in the report. He was confident that every Scotchman who heard him would bear witness to the excellent working of the present system. It was true that the sheriffs depute were obliged to be residents principally in Edinburgh, the sheriffs substitute presided as local magistrates in the various counties, and administered justice to the satisfaction of all parties. The sheriffs depute were responsible for the conduct of the sheriffs substitute, and the state of the appeals showed how little any such a change as was proposed was necessary. Were not the sheriffs depute resident in the seat of law and learning, and the sheriffs substitute responsible to them, both offices would degenerate, and the administration of the law would cease to deserve the respect and confidence of the people. He (the Lord Advocate) therefore met the motion not with any statement of details, but with a general assertion, in which he was sure the House would coincide, that the hon. Member for Greenock had failed in making out any case for inquiry. It was surely a fair answer to such a proposition, that the people of Scotland saw no necessity for it; on the contrary, they would be deeply aggrieved if any alteration were made, since they were convinced that the gentlemen now acting as sheriffs principal, sheriffs depute, and sheriffs substitute, discharged their duties with honour to themselves, and with advantage to all parties concerned.

Mr. Hume observed, that it was no recommendation in his eyes that the system was one hundred years old; on the con-

trary, in that period abuses had crept into it, which required removal; and of what advantage was it that every generation grew wiser, if that wisdom were not to be applied to the improvement of antiquated institutions? The complaint was not that justice was badly administered by the local judges, but that sheriffs substitute were not remunerated according to their merits and duties, while a number of overpaid sinecures existed which ought to be abolished. It was an objection also to the present system that the appointments were made, not by the Secretary of State, but by individuals, and for political purposes. The Lord Advocate had shirked the strongest part of the case of the hon. Member for Greenock, because, in fact, he could make no answer to it. Thirty nearly sinecure judgeships existed for the benefit of individuals and for the expenditure of public money. When all the duties they had to discharge might be performed by one or two competent persons. Some of the judges in the Court of Session had not so much to do that they could not undertake to decide the few appeals which came from the decisions of the Sheriffs substitute. In Ireland there were thirty-four similar judges, the expense of whose salaries was only 34,000*l.* a year; while for the thirty counties of Scotland there were no fewer than eighty judges, thirty of whom received 700*l.* a year for doing nothing, while the sheriffs substitute, who did the work were very inadequately paid. It seemed to him most extraordinary that after Parliament had declared so strongly against sinecures of all kinds, they were to be kept up in Scotland. He considered the country under great obligation to his hon. Friend (Mr. Wallace) for the manner in which he had persevered in bringing this important subject before the House.

Mr. Gillon said, that before such a tribunal his hon. Friend could hardly hope for success in his motion. When anything like the abolition of sinecures, patronage, and offices came before the House, the unanimity of both the great parties against anything like inquiry was truly wonderful. He was not surprised at the cheers with which what was said by the Lord Advocate had been received by the other side of the House; no doubt hon. Gentlemen opposite thought the tenure of office by the Lord Advocate might be short, and they were in hopes if they succeeded to that and

and other situations they should in their turn receive the assistance and support of the Lord Advocate. If, however, there were anything which ought to make the Lord Advocate doubtful of the goodness of his case, it was that it was so welcomed by his political adversaries. It was a matter of deep regret that the Lord Advocate of a liberal Government should thus be encouraged in the defence of a system of abuse and needless expenditure of the public money.

Sir G. Clerk remarked that the difficulty the Lord Advocate had had to contend with was, that the hon. Member for Greenock had made out no case requiring an answer. The present system gave universal satisfaction, as he could bear witness, from his own experience as a country Gentleman in Scotland. He complained of the terms in which the motion was couched, because they were calculated to produce an unfounded prejudice throughout Scotland against the administration of justice.

Mr. R. Stewart, though he should vote with the hon. Member for Greenock, could not concur in the sweeping censure he had pronounced on the judges constituting the courts of appeal in Scotland. He found fault with the system, not with the individuals. If the thirty judges were reduced to six or seven, supposing the system itself to be good, it would be sufficient. By a return last year laid upon the Table of the House, it appeared that in five of the southern counties, where each sheriff received 700*l.* a year, there were only 127 cases of appeal within the year; and in the six northern counties, with equal salaries to the sheriffs, there were only 128 appeals; whilst they had additional salaries and expenses when they attended the registration courts. If he were to advise upon the terms of the motion, he would be inclined to leave out all the words after the word "Scotland"; but upon the merits, and disavowing the personal attack upon the sheriffs, he must support the motion of the hon. Member for Greenock.

Sir Robert Peel said, that, so far as he had been enabled to form an opinion, he had thought that the system of local administration of justice in Scotland was generally acceptable to the people, and that, upon the whole, it was as free from error as any system was likely to be. He did not mean to say, that there might not

be improvements, but the executive Government was perfectly competent to make those improvements, and it was not necessary to appoint a committee to consider the whole case. If a strong case were made out, he was not one to object to a committee; but if there were no general dissatisfaction, there was an evil in undermining the authority of judicial tribunals by general inquiries into their working. He agreed with the learned Lord (the Lord Advocate) in the reasons he had given for resisting the present motion, and the learned Lord had taken the right grounds for his opposition, and he (Sir R. Peel) would certainly divide against the hon. Member for Greenock.

Mr. Fox Maule said that if he had no other reasons for resisting this motion, he should have found sufficient in the wording because he could not adopt the motion itself, and repudiate the terms. That motion had gone forth to the country, and if he assented to the appointment of the committee, he would be agreeing to the objectionable words. As to the small number of cases before the sheriffs, hon. Members did not know the labour which the sheriffs principal had in reviewing the decision of their deputies, and their exertions could not be rightly measured by the number of cases. To appoint a committee would be to sanction the opinion that there was something wrong to be enquired into. If there were a glaring wrong it must have come before the public, and needed no committee to find it out: and, if the wrong did exist, his hon. Friend should at once introduce a bill showing what that wrong was, and how he would remedy it: the House would then be able to form an opinion upon the matter, but the process now proposed would rather do injury than good.

Mr. Wallace replied; He said he had worded his motion in its present terms, because every word was true. He had not inquired into the expediency of affirming what was true; if the House would grant him a committee, he would prove, not only the things he had stated in his motion, but a great deal more. He would not beat about the bush to conceal facts. The returns showed that in the counties of Peebles and Bute, the sheriffs had only two and a half appeals between them in a year, and ought this to continue? As for the system being satisfactory, any one wishing to recommend himself to the con-

situencies in Scotland, not to the county constituencies, that were under the landlords, and were driven up to the poll like flocks of sheep, but to the independent constituencies would call for this law reform. If the committee were appointed, he would prove his case, and show that if there were proper reform in the tribunals, his countrymen would not be accounted a litigious people, but would readily meet their opponents face to face in open court, as they ought to do in a free country. He expected nothing but opposition from the lawyers in the House, for neither the Member for Midlothian nor for Leith could get their seats without the assistance of the black-coated gentlemen, who would not vote for them if they supported law reform. His learned Friend near him (Sir John Campbell) said that he had been a great law reformer in his time: that was true, but his reform had never reached Scotland. To meet, however, any objection, he would withdraw his original motion, and put it in an amended shape leaving out the words that had been objected to, and the latter part of the motion.

The original motion having been, by leave, withdrawn,

Mr. Wallace moved, that a select committee be appointed to inquire into the nature and extent of the duties still incumbent on the holders of the office of sheriff principal, or chief stipendiary judge for each county in Scotland, and also to inquire into the nature and effects of the system under which the above class of stipendiary judges nominate and appoint stipendiary deputy judges.

The House divided—Ayes 37; Noes 86—Majority 49.

List of the AYES.

Aglionby, H. A.	Hector, C. J.
Archbold, R.	Humphery, J.
Barron, H. W.	Johnson, General
Bellew, R. M.	Lister, E. C.
Blake, M. J.	McTaggart, J.
Bridgeman, H.	Morris, D.
Brocklehurst, J.	Muntz, G. F.
Brotherton, J.	Murray, A.
Dennistoun, J.	O'Brien, W. S.
Dundas, C. W. D.	O'Connell, D.
Elliot, hon. J. E.	O'Connell, J.
Ellice, E.	O'Connell, M. J.
Evans, W.	Smith, B.
Ferguson, Colonel	Somerville, Sir W. M.
Gillon, W. D.	Steuart, R.
Gisborne, T.	Stuart, W. V.
Hastie, A.	Turner, E.

Turner, W.
Warburton, H.
Wood, B.

TELLERS.

Wallace, R.
Hume, J.

List of the NOES.

Abercromby, hn. G. R.	Houstoun, G.
Adare, Viscount	Howard, hn. C. W. G.
Ainsworth, P.	Hurt, F.
Antrabus, E.	Inglis, Sir R. H.
Arbuthnott, hon. H.	Jackson, Mr. Serjeant
Baring, rt. hon. F. T.	Jermyn, Earl
Barnard, E. G.	Johnstone, H.
Bernal, R.	Jones, J.
Blair, J.	Kemble, H.
Bodkin, J. J.	Lockhart, A. M.
Broadley, H.	Lowther, J. H.
Broadwood, H.	Mackenzie, T.
Bruce, C. L. C.	Mackenzie, W. F.
Bruen, Colonel	Morpeth, Viscount
Bruges, W. H. L.	Neeld, J.
Busfield, W.	Parker, J.
Campbell, Sir H.	Parker, R. T.
Campbell, Sir J.	Peel, rt. hon. Sir R.
Chute, W. L. W.	Pendarves, E. W. W.
Clerk, Sir G.	Perceval, Colonel
Colquhoun, J. C.	Pigot, rt. hon. D.
Conolly, Col. E.	Plumtre, J. P.
Corry, hon. H.	Pringle, A.
Craig, W. G.	Rae, rt. hon. Sir W.
Cresswell, C.	Richards, R.
Douglas, Sir C. E.	Round, C. G.
Drummond, H. H.	Rushbrooke, Colonel
Dunbar, G.	Rutherford, rt. hn. A.
Egerton, Lord F.	Sheil, rt. hon. R. L.
Feilden, W.	Smyth, Sir G. H.
Ferguson, Sir R. A.	Smythe, hon. G.
Freshfield, J. W.	Stewart, J.
Gladstone, W. E.	Teignmouth, Lord
Gordon, R.	Thompson, Alderman
Goulburn, rt. hn. H.	Trotter, J.
Graham, rt. hn. Sir J.	Verney, Sir H.
Halford, H.	Vivian, J. E.
Hamilton, Lord C.	Wilbraham, G.
Harcourt, G. G.	Wodehouse, E.
Hepburn, Sir T. B.	Yates, J. A.
Herries, rt. hn. J. C.	Young, J.
Hodgson, R.	
Hope, hon. C.	TELLERS.
Hope, G. W.	Stanley, hon. E. J.
Horsman, E.	Fox Maule, hon. F.

MAYNOOTH.] Mr. Colquhoun in rising to bring forward the motion of which he had given notice relative to the College of Maynooth, confessed that he approached the question with great anxiety, and some degree of pain, not because the subject was undeserving the consideration of the House, but because he had observed that in the debates which had previously taken place on this subject a good deal of conflicting religious feeling was mixed up; and hon. Members on the other side had conceived that an attack was levelled against their conscientious

feelings as Roman Catholics by hon. Members at his side of the House. He hoped that the question would be so treated upon this occasion as to be entirely divested of all such feelings, and that they might approach it, if with a strong difference of opinion, at least without any of those asperities which had hitherto unfortunately characterised their proceedings. He frankly confessed, that he had never yet, however strongly interested in the question of the grant to Maynooth College, been able to give his vote against it, and for these reasons:—First, because he found that the grant to that college had been continued for a long series of years under certain very important acts of Parliament to which he would presently allude, and it would be by no means becoming in that House to withdraw a grant from a college so situated without instituting a careful inquiry, and stating the strongest grounds. Secondly, because the acts of Parliament on this subject precluded them from entering fairly on the question of withholding such grant until the entire subject was maturely and solemnly considered. The acts of the Irish Parliament by which the College of Maynooth was founded were two—the 35th George 3rd., c. 21, and the 40th George 3rd., c. 85. Without entering unnecessarily into details, he would briefly state the substance of these acts. By the first act there were appointed twenty-one trustees, the majority laymen, there being eleven laymen and ten ecclesiastics. These laymen comprised several Protestants of the highest eminence. By the act which followed this there were constituted visitors of the college, consisting of the highest functionaries of the realm. The chancellor and judges of Ireland were appointed to visit the college at stated periods, and report as to its state. The Lord-lieutenant, the representative of the Sovereign, was directed to receive this report, together with a record of the rules, and the approval of those rules, together with the appointment of the president, was vested in him. It must be obvious, from what he had stated, that Parliament had, by these two acts, given its most direct and authoritative sanction to the College of Maynooth. If any one said that the system pursued there was not so sanctioned, he would put this plain case. Suppose a dispute arising in London between the London University

and King's College. Suppose that one of these colleges could say—"Here is an act of Parliament constituting us as a recognised public body, the Sovereign is our patron, receives our report, and sanctions the appointment of our president; the judges of the land are our visitors." Would any one for a moment say, that this was not a clear sanction on the part of Parliament? When, therefore, year after year the question was raised of withdrawing the grant from Maynooth College, he had always held that, finding these statutes throwing around this college the most decisive sanction, the first step to be taken was to alter and amend these acts, in order as a preliminary reason to remove this sanction. In moving for leave to bring in a bill to effect this alteration, he did not mean at all to interfere with any grants which the College of Maynooth might enjoy from private endowment or public liberality. All that he meant to speak of was the sanction extended to that college by the state; and he put it to those hon. Gentlemen who thought these grants unwise, whether they did not think it important to alter and amend these measures. Some hon. Members, however, might ask him what reason there was for altering them? He found it in the acts themselves. These acts evidently contemplated two things—first a control (such was the intention of Mr. Pitt) on the part of the laity over the College of Maynooth; secondly, a control over it on the part of the Government. This intention was professed and palpable. By the first act, to which he turned the other because hon. Gentlemen opposite dwelt on Mr. Pitt's authority, a majority of the trustees was composed of laymen. There were 10 ecclesiastical trustees, and eleven laymen, four of these Protestants, and seven Roman Catholics. The trustees thus constituted had a most effective control over the college. They appointed the professors, and drew up the rules; but unfortunately a change was made in the next act, which very much frustrated the views of Mr. Pitt, and of the Roman Catholic laity. By this new act, the trustees were divided into two portions; one part was constituted visitors, the other trustees. The visitors were composed of five Protestants, and three Roman Catholics, two only of them being ecclesiastics. A majority of these visitors was composed of laymen, but they had no

power. All the authority in drawing up rules, in appointing professors, &c., was transferred to the trustees, and these were altogether Roman Catholics. This was in itself no objection; but four-fifths of them were Roman Catholic ecclesiastics, with the power of filling up their number as any vacancy arose; so that instead of the object which Mr Pitt had in view being realised, by securing to the government a large ascendancy in the management of Maynooth, the act of 1800 reversed the whole arrangement, deprived the government of all control, turned the visitation into a complete farce, and handed over to the trustees an unlimited power. If Mr. Pitt's original principle was held to be sound, then the act of 1800 should not be suffered to stand, because it reversed the whole system. The only mode of making the visitation stringent was, to place a majority of laymen amongst the trustees. While the act remained as it stood at present, not the slightest step could be made towards modifying, in the slightest particular, any one of the existing arrangements. Whether hon. Gentlemen were desirous of withdrawing the grant, or of going back to the former system of government control, in any case, they must support his motion for leave to introduce a bill. It would be said, that by disconnecting Maynooth from the Lord Lieutenant and the judges, they would be placing it on the same footing with the Belfast Academy, to which, however, a grant of the public money was annually made. True, but they would thus deprive Maynooth of a very important sanction which it at present derived from its connection with the Crown, and with the judges of the land. If this bill were to pass into a law, Maynooth would be left naked and isolated to the annual consideration of Parliament, when any money grant might be proposed. He thought, however, that the time had arrived, and the petitions which had been poured in from various quarters, indicated the state of public feeling, when the sentiments expressed out of doors, with reference to the College of Maynooth, should find an echo within those walls, and when the sanction which had been hitherto given by the Legislature to that college should be finally withdrawn. The right hon. Gentleman, the Member for Tipperary, had alluded on a former occasion, to a compact entered into when the College of Maynooth was

first established; but of that compact he entertained quite a different view from the right hon. Gentleman. He believed that compact to have been formed between three parties—first the Roman Catholic laity, next the Roman Catholic hierarchy, and thirdly, Mr. Pitt and the Government, all of whom were desirous to see this college established. The views of the Roman Catholic laity had been expressed by Mr. Keogh, the agent of the body in 1795, and also by Messrs. Emmett, M'Nevin, and Plowden. Mr. Emmett said, that “their view was, that the plan of the college should include Catholics, yet should not exclude those of any other religious persuasion, and that it should depend on the people for its support”—this was well worthy the attention of the House—“that it should be subject to the general control of the clergy and laity.” Now, this was the view expressed by the Roman Catholic committee. The view of the hierarchy was somewhat different; but the view of Mr. Pitt was perfectly unequivocal. The bill which he introduced on the 23d of April, 1795, was entitled,

“A Bill for establishing a College for the better education of persons professing the Roman Catholic Religion, and intended for the Clerical Ministry thereof.”

It was thus clearly intended, that both laymen and clergymen should be educated there; and it was further manifest from the bill, that the intention was to place the college under the control of laymen as well as ecclesiastics. In point of fact, as he had already observed, there was a majority of laymen in the first body of trustees. But the whole of the system had been changed by the subsequent enactment. The college no longer existed as Mr. Pitt and the Roman Catholic laity desired; but at this moment it was a college under the exclusive superintendence of seventeen ecclesiastical trustees, who had all the power of making by-laws, appointing professors, and even excluding the visitation, for none was tolerated in reference to the Roman Catholic discipline, and the doctrine inculcated at Maynooth, which was manifestly a most important point. When, therefore, hon. Gentlemen referred to a compact, they should recollect, that the compact, whatever it was, had been broken, not by the British Parliament, but by the parties who altered the college of Maynooth so as to establish there an ecclesiastical to the

exclusion of a lay education, and to vest the entire control of it in ecclesiastics. Whilst this was the compact made by Mr. Pitt, he was bound to say, as the matter now stood, the position of Maynooth was one of very serious alarm, and of well-founded dissatisfaction to the people of this country. Without alluding to the differences which existed between the Roman Catholic and Protestant faiths, he would observe, that there was a clear distinction in the Roman Catholic Church, which was most material to the present question. Between two systems and two sets of opinions among the followers of that church, those attached to the one being characterised as ultra-montanists, and those attached to the other being characterised as Gallicans. [Mr. O'Connell: Hear!] The hon. and learned Gentleman cheered that statement as if he deemed it a matter of no consideration. But he should be able to show to the House, if not to convince the hon. and learned Gentleman, that it was matter which was considered by the States of Europe of very grave concern. There was a committee of this House appointed in 1816, to investigate the position which the Catholic Church occupied in Europe. That committee found, that a vast confederacy of those who were denominated ultra-Montanists existed throughout Europe, a confederacy possessing laws and canons by which bishops were bound to a central conference—canons, by which bishops were bound to enforce the observation of certain laws within the country of which they were citizens—a confederacy possessing such power seemed so formidable to all the States of Europe, that they took great precautions against the consequences likely to result from it. They would not allow any rescript from Rome without its being seen by the Secretary of State for that country into which it was to be introduced. They would not allow any communication to pass between the central conference and the bishops of that country without its having been seen by the Secretary of State. They would not allow the appointment of the bishops to be vested in any hands but their own. They, in fact, resolved, and executed that resolution, that there should not exist in their own dominions a church which did not own a close connection with the State, and which had a close and direct connection with a foreign power. Such

were the Gallican liberties for which, in France, the French wisely contended. Such was the law in Austria, such the law in Russia, and such the law in Prussia. In no one of the countries of Europe was it tolerated, that the appointment of bishops of the church should be vested with the see of Rome. But the rescript of the Pope passed into that country without being seen by the Secretary of State. [Mr. O'Connell: Hear!] He must say, that notwithstanding the cheers of the hon. and learned Gentleman opposite, those States had adopted a wise course. When bishops were bound to obey a foreign conference, whether sitting at Rome or Vienna—when the heads of the church got all appointments from that conference—when the oaths by which they were bound were of such a nature as to make them the tools and instruments of such a power, he asked whether these things did not appear highly formidable, and whether it was wise to tolerate a system which owed an allegiance to a foreign power greater than that which they owed to their own Government? He should show, from the words of one of the most distinguished statesmen who ever appeared in this country, Lord Castlereagh. He might remind the hon. and learned Gentleman (Mr. O'Connell), that Lord Castlereagh was one of the most ardent supporters of the Catholic claims—that nobleman told them in a speech delivered in 1810, what was the opinion of Mr. Pitt on this subject, for Mr. Pitt was the great authority on the other side. He (Mr. Pitt) said that :—

“The Catholic hierarchy of Ireland was acknowledged to be at this day in complete and unqualified dependence on a foreign authority—that there was no other Catholic Church in Europe in the same position, and that he regretted, that the policy of Britain had been the cause of this anomalous position.”

He then went on to express his wish, that they should not cease to be Roman Catholics; that they should continue to be sincere but liberal Roman Catholics, connecting themselves with their own Government for the purpose of mutual benefit, and to the exclusion of all foreign interference. Now, with regard to the laws recognised, enforced, and sworn to by the ultra-montane party referred to by Lord Castlereagh as not being liberal Roman Catholics, hear the account which Dr. Doyle gave of one of them. He said,

if that law were enforced, there could scarcely be any rest among the Catholic States of Europe. Dr. M'Hale, speaking of another of these laws, said it was impossible it could be received amongst us, as its reception would destroy all our laws. Dr. Doyle said of the same bull, writing to Lord Liverpool:—

“ Such a law, in place of being necessary or useful, would overturn the foundations of society, and instead of benefitting the entire community would entrench on all its dearest rights and liberties.”

In illustration of the mode in which these laws were treated by foreign powers, he would refer to what took place in France in 1716, towards the end of the reign of Louis 14th. In that year, the Parliament of Paris, coinciding with the general feeling of the nation, passed an arrêt against these laws, and prohibited their reception as inconsistent with the right of the people and the monarchy of France. Hon. Gentlemen on the other side would probably say, that these were dead and obsolete laws, that they were matters of past days, and that there could be no use in referring to them now. But so late as the year 1828, a very intelligent French Catholic, a man of great distinction, the Count de Montlosier presented a petition respecting them to this effect. He said, there were then growing up in France confraternities in close association with the ultra-montane party, acting on their principles, recognising their laws; he showed how dangerous these were to the peace of society—that these confraternities were called the Sodalities of the Heart—that in 1740 their principles had penetrated so widely among the soldiery, that their fidelity could scarce be depended on, and so widely among the people, that the Government saw, that their allegiance was rotten to the centre, and was withdrawn from the Crown to this clerical confederacy, and that these sodalities had become so numerous in 1816 as to excite serious alarm. Now the same system of power, independent of the state, was existing at the same moment, or a year or two afterwards, in Belgium, and was described by an eminent writer as hostile to all Government, and especially to that of the reigning sovereign. The Belgian prelates in the year 1815, had found themselves called upon to address a formal protest to the King of Holland, in these terms:—

“ We do not hesitate to declare to your Majesty that the canonical laws which are sanctioned by the ancient constitution of the country are incompatible with the projected constitution, which would give in Belgium equal favour and protection to all religions. The council of Trent, all whose resolutions were published in these provinces, and have thence the effect of ecclesiastical law, commanded the bishops to see to the execution of them. The canonical laws always rejected schism and heresy from the bosom of the Church; we are bound incessantly to preserve the people intrusted to our care from the doctrines which are in opposition to the doctrines of the Catholic Church. If your Majesty, by virtue of a fundamental law, protected in these provinces the public profession and spreading of these doctrines, the progress of which we are bound to oppose with all the care and energy which the Catholic Church expects from our office, we should be in formal opposition to the laws of the State, to the measures which your Majesty might adopt to maintain them among us, and, in spite of all our endeavours to maintain union and peace, the public tranquillity might still be disturbed.”

Such was the protest put forth by the Belgian prelates. Every one knew what took place in Belgium. A revolution took place; but, nevertheless, the character and influence of the system remained unchanged. Now, what he wished to ask was this, was there any Catholic country in Europe that would submit to the interference of a foreign influence? What view was taken by other European powers of this foreign influence? Let the conduct of Prussia and Austria answer that question. As to the principles upon which Maynooth had been founded, and as to the results which had been expected from its foundation, he was sure there was no man in the country who would for a moment say, that Mr. Pitt and Lord Castlereagh would have lent themselves to the establishment of such system if there had appeared to them grounds for supposing that it could have led to such results as the present generation had witnessed. No man could suppose them capable of abetting an establishment framed to disseminate dogmas so intolerant as those which issued from Maynooth. He would not then trouble the House with extracts from all the works with which he was provided, and which concurred in confirming the principles for which he contended; but this he would say, that the masters whose works were the class-books at Maynooth taught doctrines the most opposed to loyalty towards the Crown, to the peace of a

state, or to freedom of conscience in matters of religion. The following names were returned as amongst the authors whose works were deemed necessary to be read by the students at Maynooth, and as necessary for all the students of divinity in the Romish church:—"Manochius, a Jesuit, Bailly, an Ultramontane—authorities used by the professors; Antoine, a Jesuit; Devoti, on canon law, a Jesuit; Dr. Murray says he held rather strong doctrines; Aquinas's *Secunda Secundæ*, a great book of moral philosophy, held the worst doctrines; Maldonatus and Reiffenstuel." The object in founding the college at Maynooth was to liberalise the education of the Irish priesthood. But what were the doctrines which that school taught on the subject of loyalty? The House should judge for themselves by the aid of the following extract:—

"Does an apostate prince lose dominion over his subjects?—We must not obey apostate princes. We absolve those who are bound to excommunicated persons by fealty and the sacrament of an oath. Apostates from the faith are excommunicated, as also heretics.—Maldonatus. Who hath not known the Calvinist and Lutherans, who does not see that they are heretics, who have revived almost every ancient heresy?—Truly there never can be a heretic, if they are not heretics. Oaths must always be taken *salvo juris superioris*. They are dissolved if the thing becomes unlawful on account of the superior's prohibition."

The next extract to which he should direct their attention was from the Decretals, as quoted by Dr. Slevin. That was another class-book, in which the students were taught that—

"He who owes anything to a heretic by means of purchase, promise, exchange, pledge, deposit, loan, or any other contract, is, *ipso facto*, free from the obligation, and is not bound to keep his promise, bargain, or contract, or his plighted faith, even though sworn to a heretic.—Decretals."

This was from the 5th book of the Decretals, title 7. [Mr. O'Connell: What page?] The hon. and learned Gentleman could easily find it. [Mr. O'Connell: why not point it out?] If the hon. and learned Gentleman were not satisfied with this, he would refer him to another part of Dr. Slevin's evidence in p. 226, and another part in p. 270. He would beg the attention of the hon. and learned Gentleman to the argument used there by Dr. Slevin. In p. 220, he said, that all

who separated from the body of the Church were excommunicated; that the Roman Catholic Church had over Protestants the same spiritual authority as over Catholics, and that in countries where the ecclesiastical was supported by the civil power, the Church censures had temporal effects, as they had laws to compel heretics to return to the bosom of the Church, and the confiscation of property consequent on excommunication depended on the civil authority, which did not so protect their doctrines here. Though Dr. Slevin did not express a wish that confiscation should be one of the temporal results of excommunication, yet the authorities he referred to supported this monstrous and intolerable doctrine. If such doctrines were inculcated in this college, was the object of Mr. Pitt attained? And if they were not inculcated, why were these books made the standard authorities? Why were the *Secunda Secundæ* of Thomas Aquinas, which of all works was the most opposed to the civil allegiance of the subject, quoted as the highest and most valuable standard in that college? What would be said if books containing absolute doctrines, such as he had described, were promulgated in the colleges and halls of Oxford or Cambridge, and if it were said,

"We don't inculcate these doctrines, we merely make the study of the books containing them a part of the education of the students?"

It might be true, that the doctrines which were contained in the works he had alluded to were not inculcated at Maynooth, but then those works were full of them. If it were said, that the heads of the halls and colleges of this country had determined that these books of Bailly, Thomas Aquinas and others, which went to dissolve all allegiance to the sovereign, and a severance of all social bonds, should be read, would such a system be tolerated? There could be no doubt that the priesthood who were educated at the college of Maynooth, imbibed the doctrines which these books contained, and he should be able to prove this assertion by the evidence of the hon. and learned Member for Dublin. In his evidence before the committee of 1835, the hon. and learned Gentleman had stated,

"The priests who were educated in France, were old men when I became a man, and I found that they entertained a natural abhor-

rence of the French revolutionary principles. They were strong anti-Jacobins, and there was amongst them a great deal of what is called ultra-royalty; but this is not the case with regard to those educated at Maynooth, the anti-Jacobin feeling has gone by, and the priests are now more intimately identified with the people; and as to what was usually called loyalty, the priests educated at Maynooth do not come within the description of it to such an extent as those who were educated in France."

The House would know what the hon. and learned Member meant by the identification of the priest with the people, by what had taken place in Ireland since. Mr. Dennis Brown had also said;—

"I can say nothing as to the priesthood of Ireland—I am not acquainted with them—but they do not appear to me to be the same description of persons as they formerly were."

He added, that he would give no evidence concerning them, and then he went on to refer to a sermon that he had heard preached by one of them, which he had thought it his duty to bring under the consideration of the magistrates. Here was, also, the testimony of another witness, Mr. Inglis, who had gone to Ireland with no prepossession on his mind unfavourable to the Roman Catholic priesthood. He stated,—

"That in the journey I subsequently took, I had full opportunity to form a comparison between the priests of the olden time and those educated at Maynooth, and with every disposition to deal fairly by them. I am convinced of the justice of the opinion I formerly expressed. I found the old foreign-educated priest a gentleman in deportment, and a man of high and generous feelings, but not what might be termed so good a Catholic as the priest educated at Maynooth. In the latter I found a vulgar-minded man, learned, perhaps, in theological matters, but a hot zealot, impregnated with a strong idea of his self-importance and his influence; and I have no doubt that the disorders that prevailed in Ireland have been increased by the Maynooth education of the Catholic priesthood. It is the Maynooth priest who is the agitating priest, and if a foreign-educated priest, who is a more liberal-minded man, less a zealot, and less a hater of Protestantism than the other, held a Roman Catholic cure, it is generally the case that an assistant is appointed, red hot from Maynooth, and the old priest is virtually superseded. In no country in Europe, not even in Spain, is the spirit of Popery so Anti-Protestant as in Ireland."

And he added,—

"I think it essential that a better order of Catholic priests should be constituted."

This was the evidence of Mr. Inglis, and he asked the House, in considering this question, to turn to the evidence they had on the Table of the House, but more especially to the evidence taken before the committee of 1835, which clearly showed the extent to which the system of intimidation that was exercised by the Roman Catholic priesthood of Ireland was carried, and the interference and coercion to which the people of Ireland were subject in political matters. It was well known that, if a person ventured to vote against the wishes of the priest, he was denounced from the altar; and it was proved on the most unexceptionable testimony. Dr. Singleton, in his evidence, stated that—

"If any person should vote contrary to the wishes of the priest, if he attended any fair or market, strangers would fall upon him and give him a most unmerciful beating. Cases of this kind have occurred in Queen's County, Kerry, Carlow, Kildare, Tipperary, and Galway.—Fitzgerald. No man could vote contrary to the priest without danger to his person and property.—Messrs. Wilcox, Despard, and Finn. Such was the state of tyranny, that no Roman Catholic dare act independently.—Lord Kenmare. System of intimidation.—Messrs. Muller and Lalor. Those who voted against the Catholic party were denounced as traitors. The people would not deal with that man, nor associate with him. Freeholders in Carlow feared to be murdered, or have their houses burnt.

This was the sort of authority exercised by the priests in Ireland; standing up at the altar as a minister of religion, he excommunicated the man who ventured to vote according to his conscience, and denounced him as an enemy to his religion, his country, and his God. These were the principles inculcated by the books he (Mr. Colquhoun) had referred to, and this was following out into practical operation the doctrines they taught. He asked the House and the people of this country was this a system they were prepared to tolerate and continue? No Gentleman present could wish that persons of the Roman Catholic persuasion should, after the act of 1829, be placed in a worse position than Protestants worshipping in their own Protestant Church. Every Roman Catholic inhabitant of these realms was in the eye of the law, and properly so, in the same position as the man who knelt in the Protestant church. A Roman Catholic might now enter that House—he might rise to high office in the State, and attain the highest position to which a

Protestant could aspire. But what he complained of was, the encouragement given to the dissemination of this pestilent doctrine, which in a free country like this was intolerable, that a priest should be permitted to rise at the altar of his religion and denounce and excommunicate a man for voting as he pleased, for worshipping as he pleased, or for going to the chapel or abstaining from it as he pleased. No one could defend the continuance of such a system, much less that it should be fostered and maintained by the State. Other Roman Catholic states had dealt differently in this matter. Excommunication with temporal consequences was not permitted either in Austria, Prussia, or France. No priest in either of those countries would be allowed to denounce a man from the altar, and hold him up to public execration. But the priests of Maynooth, as had been evinced in the election of 1835, and in almost every other election, used the altars of their church for purposes foreign to their religion, and made them the instrument of a system inconsistent with the liberties of free subjects. He repeated that that system was the result of the doctrines inculcated in those standard works of divinity which were to be found in the college of Maynooth, and the effect might very well be conceived upon young men at that period of life when the mind was most susceptible of impression. The doctrines promulgated in those works were most obnoxious both to the liberty of the subject and to the allegiance due to the Crown. Such a system as that he complained of, the Parliament of this country ought not to sanction; but he contended that the House did sanction and encourage it so long as the Act of Parliament remained upon the statute-book, which gave the sanction of the Lord Lieutenant and of the judges of Ireland to a college in which such obnoxious doctrines were inculcated. When that Act should be repealed, it would be in the power of the House to withhold from that system all legislative countenance. It would be for the House then to say whether it would continue to vote the public money for the support of such a college. That would be a question for future consideration, and was not necessarily involved in the motion before the House; all he asked was for leave to bring in a bill to discontinue the college of Maynooth from all connec-

tion with the State, and thus to abolish that system of frequent visitation which, in itself did nothing, but had a tendency to mislead the public as to the extent of the powers of superintendence that could be exercised, and it would be open for the country or future Parliaments to continue or withhold the grant as they might see fit. The words of his motion, which he now begged to submit to the House were, for leave to bring in a bill to alter and amend the Acts of 35 George 3d, c. 21, and 40 George 3d, c. 85, of the Irish Parliament, relating to the college of Maynooth.

Viscount *Morpeth* said, if the question before the House could possibly be whether leave should be given to bring in the speech of the hon. Member who had just sat down, instead of the bill, abounding as that speech did in criminary matter, and being, as it was, highly vituperative against the clergy and the religious opinions and tenets of the people, who formed a large majority of the third part of these kingdoms, he, for one, should not have any scruple in calling upon the House not to receive it. The hon. Member was candid in his declaration of the intentions with which he had brought forward this motion. He proposed to open the field, and leave it free for those Members who had hitherto felt themselves shackled by the existing Acts of Parliament, in giving their votes against the grant proposed to the House, from time to time, for the support of the College of Maynooth. The hon. Member had said, that he had felt himself precluded from voting against that annual grant, in consequence of the existence of these acts; and in this he had cast some reproach on those less tender consciences who had not felt themselves so shackled by those acts that were still on the statute books, and by the important sanction so given to that grant. He did not see the exact distinction the hon. Member wished to draw between the act of 1800 and that of 1795; for the hon. Member had referred to the act of 1800, as if it broke in and trenchd upon the compact that had been created and entered upon between the Roman Catholic body in Ireland and the State. Mr. Pitt, no doubt, was a party to the introduction and construction of the act of 1795; but he had yet to learn, that he was not in office in the year 1800, and that he did not cordially accept the amended act for

the regulation of the Catholic College of Maynooth, that was passed by the Irish Parliament in 1800, and was adopted by him as a part of the compact entered into at the union, from which time the vote had been transferred to the Imperial Legislature. He did not propose to follow the hon. Gentleman into the disquisition he had indulged in as to the distinction of the Roman Catholic community, between the ultramontane and cisalpine parties. He thought it was one of the benefits that had resulted from the passing of the Emancipation Act, that there were now many Members in the House, who were more competent to enter into such a discussion as the present, and supply any knowledge they possessed, or rectify any mistake that might be fallen into, than he, or, if he might assume so much, even the hon. Member for Kilmarnock could possibly be. There were now in the House many hon. Members of the Roman Catholic persuasion, who, if they heard anything advanced contrary to the truth in respect of their religion, would be enabled to meet the charge, if capable of being so met. The hon. Member had complained, and brought it forward as a proof of the disadvantageous contrast which this country presented to other countries of continental Europe, that there was no country in Europe, either France, Austria, or Prussia, the hon. Member had instanced, in which the conduct of the Roman Catholic clergy, did not come under the cognizance of the state. Was not the hon. Member aware, that if the Secretary of State of this country ventured to correspond with the see of Rome, he would incur the penalty of the act of præmunire? And before the hon. Member ventured to make so disadvantageous a contrast, he ought, instead of asking the House to repeal the statutes on which Maynooth was founded, to repeal the act which imposed the penalty of the act of præmunire? The hon. Member had stated, that in the other countries of continental Europe, the state uniformly imposed conditions on the Catholic clergy and required them to renounce certain doctrines. But in those countries where the state regulated and controlled the Catholic clergy, it also paid them their salaries. If the state, then, controlled and regulated, it also supported, maintained, and encouraged the Catholic clergy, and he (Lord Morpeth) would say then, that instead of calling on the House to pass an act to prevent the payment of

the miserable stipend which was all that was allowed out of the wealth of this great country to that clergy that administered to the spiritual wants of the majority of the Irish people—if the hon. Member thought they could prescribe conditions, and call on the Irish Catholic clergy to abstain from certain practices, and to follow a certain line of conduct—he ought to to have proposed a vote to provide some more adequate means for maintaining them. When the state did nothing but discourage, when it did not maintain a single Catholic clergyman, he thought hon. Members could not with propriety come forward and reproach it for its want of power in restraining practices which they considered obnoxious. The hon. Member had read extracts from books said to be in use in Maynooth. He had referred to the works of Baily, Manochius, Maldonatus, Thomas Aquinas, and others, and had said, that the doctrines set forth by those writers formed a part of the system of education at Maynooth. He had no personal knowledge, but he should think those writers were not new in the Catholic church, and that their works were read in the College of Maynooth during the life-time of Mr. Pitt—at all events, they were so in the life-time of Mr. Percival, when he supported the grant. But there might be many things read there, that might not meet the approbation of the hon. Member for Kilmarnock, or of which he himself might not approve, but that would prove nothing for the hon. Member's case. What was the object for which the Catholic College of Maynooth was instituted? The hon. Member had said, that it was intended, that a portion of the Roman Catholic laity should be there educated as well as the clergy, but it was well known to have been the object of Mr. Pitt, and those who concurred with him in founding the college, to withdraw the clergy of Ireland as far as possible from the influence of revolutionary and Jacobinical France, and to rear those who should become the future ministers of the Catholic church in that country. The hon. Member was not correct in his version of what he (Lord Morpeth) had said on a former occasion, that it was of no importance what books were read or studies pursued in the College of Maynooth. All he said was, that this being the object for which the establishment was founded, unless it were proved, that books were read, or doctrines inculcated, or abuses

practised therein, which were in contradiction to the known and recognised principles and doctrines of the Roman Catholic church, the hon. Member had established no case for the interference of Parliament. Let him say one thing as a mere matter of illustration. Suppose that the College of Maynooth was not a Catholic, but an avowedly Protestant establishment—suppose it had been founded for the purpose of educating persons as ministers not of the Roman Catholic church, but of the Church established in these realms—and then, if it was alleged and could be proved by actual evidence, that some of the professors and lecturers in such an establishment, so far from pursuing its professed and its avowed objects, were constantly disclaiming the distinctive Protestant character of the church, and denouncing what they were pleased to term the crimes of the reformation, and that it was notorious, that some of the pupils educated there were actually deserting the pale of the Established Church, and embracing the doctrines of the Roman Catholic church—then it might be successfully contended, that such an institution did not answer the purposes for which it had been originally established, and that there was much in its management, much in the course of tuition pursued there, which might call for, and justify the interference of Parliament. He did not wish to confine himself to his own representation on this subject, because it might be said, that he was conveying unfounded imputations; but he would refer to what was stated some time ago in the *Church of England Quarterly Review*. Talking of the tracts which had been published at Oxford, the reviewer said:—

“The objections to Romanism in these tracts are, on the one hand, so mild, and the passages which prominently notice the imposing nature of its services are so bold and unqualified on the other, that it is impossible to divest our minds of the suspicion, that the writers are covertly advocating the introduction of Popery into the Church. * * The proselytising attempts of this confederacy, which is increasing all over the kingdom, and subverting every fundamental principle of the Reformation—which insolently arrogates to itself a power that belongs to no private individuals, and appeals to writers whose weak judgment and easy credence show them to be no authorities for the innovations daringly proposed to be made upon our liturgical system, have been tolerated by the head of our church in a manner as surprising as it is culpable; and would, doubtless, be permitted to

be carried into more open practice, if the terror of the public press were not a salutary check on the treason. The question is scarcely whether the fathers of the ancient church, correctly or incorrectly, have handed down to us primitive forms of worship—it is, whether a church, such as the Church of England has a right to institute her own forms and ceremonies—it is, whether those who have sworn to maintain those forms and ceremonies, can innovate on them, or suggest innovations on them without positive perjury. And when we trace these insidious attacks on all that we have accounted holy and venerable to one of our universities—to principal men (some of them professors in that university)—the spirit that is thus directed against our religious customs, the spirit that has selected the time for sapping the foundations within, whilst the Popish and non-conforming foe is undermining them without, assumes a more frightful character, and increases the culpability of those who, having the power to stop the evil, apathetically, indolently, and unworthily treat it as an inconsequential circumstance.”

No such charges had been brought against the College of Maynooth, and whatever might be the faults of the system and the charges against its management, certainly laxity in maintaining the opinions, and doctrine, and discipline, which it professed to uphold, were not among the charges which had hitherto been urged against the College of Maynooth. The hon. Member for Kilmarnock, in the course of his speech, had touched upon the conduct of the priesthood. He (Lord Morpeth) must say there was one point in the observations of the hon. Member in which he was disposed very much to concur, and that was his reprobation of the practice of descanting from the altar upon matters of any party or political or purely secular nature. He (Lord Morpeth) thought the introduction of such topics, especially when they became exciting, irritating, and calumnious, must necessarily desecrate the temple of the Most High, in whatever faith, or under whatever denomination the worship was conducted. It was, as far as it went, taking from Cæsar the things which are Cæsar's. But with respect to the general conduct of the Catholic clergy, as evidenced by their influence upon their flocks, he did not mean to flatter the Irish people, he thought the people of that country had their disadvantageous as well as their advantageous points of contrast with the people of this or other countries. But, he must say, that the male portion of that people exhibited at the present time more

of sobriety—the female portion of that people exhibited more of chastity—and both portions exhibited more of patience and endurance under sufferings and calamities the most trying and aggravated, than could be said of the people of either of the sister islands. When he thought of the people of Ireland, and of the large influence which the priesthood exercised over them, and when he saw such results, he could not join in the general and indiscriminate censures with respect to the influence which the teaching and conduct of a priesthood exerted upon a people who exhibited such fruits of what they heard and were taught, as the Irish people. Having said thus much—having given his opinion as to the unfair mode in which the hon. Gentleman had dealt with the subject—most distinctly guarding himself against any intention of rescinding the practice which Parliament had pursued, and which had been pursued by every Government since the union, of voting (and he wished it could be still more commensurate with the objects to which it was appropriated) the annual and miserable sum of 8,000*l.* for the only institution supported by the State which professed to educate and rear a priesthood who were to officiate, who were to provide spiritual consolation, who were to provide instruction in life, and to administer comfort in death, to the whole of that immense population—guarding himself against any notion of that kind, but as he perceived every day, both in speeches in the House and in publications out of it, that the occupants of the opposite benches, that the leaders of the party opposed to the present Government in politics, professed to be ready to assume the reins of power, and represented, that those reins were likely to fall within their grasp in a very short time—he thought it desirable for this country, and for the people of Ireland, that the House should have fully explained and developed the measures and policy which the Gentlemen opposite proposed to adopt with respect to the Government of Ireland. And as the hon. Member was one of those who uniformly assisted, supported, and helped to keep together, that powerful party to which he had alluded—as the hon. Member had brought forward the bill, and supported it by a very lengthened statement and great variety of detail; and as it had been apparently well-received by the hon. Members around him, he thought it desirable, that the House should have

an opportunity of judging of the details of the bill, which the hon. Member proposed to introduce. On these grounds, he should offer no opposition to the present motion, and recommended the House to assent to the introduction of the bill, and to let them see what it contained.

Sir *R. Inglis* said, that though the noble Lord had abstained from a direct allusion to the University which he represented, yet the noble Lord had referred to it indirectly, and had grossly and grievously misrepresented it. The noble Lord had attacked the University of Oxford, not on the authority of any work published by the University, but on the authority of a periodical work, avowedly (according to his own statement) the work of an opponent. The noble Lord had quoted the *Church of England Quarterly Magazine* as containing a critique on certain tracts published not by the University of Oxford, but in the University. *Cheers.*] The acuteness of the right hon. Gentleman opposite (Mr. Sheil), could not mean to insinuate or assert that the two propositions were the same, and that the University of Oxford was responsible for all that was published within it. He could not deny that the freedom of the press existed in Oxford as well as in London; it was therefore childish (to use a word which had been recently introduced into the House), to say that the University of Oxford was responsible for every book published in it. Whether, therefore, the works were good or bad, on which point he would at present give no opinion—(hear, hear, from Mr. O'Connell). Did the hon. and learned Member suppose that he would shrink from giving an opinion in a proper time and place, which this was not? The only question now, as to these tracts, was, were they class-books at Oxford? This was the real point of comparison as to the books used at Maynooth. Did any member of the University of Oxford lecture upon these tracts? Did any professor put them into the hands of any pupil?

Viscount *Morpeth* said, he did not quote the book as if it implied that it referred to the opinions of the University of Oxford, but as showing the tendency of the opinions of men intrusted with the duties of education at Oxford.

Sir *R. Inglis* replied, that, whatever was the character of the works in question, it ought to be taken from themselves, direct, and not second-hand. The hon. and learned Member for Dublin, was in the habit of complaining that the tenets and opinions

of his church were taken, not from friends, but from enemies; and he repeated that this was the case, he believed with the work referred to by the noble Lord: which, however, he (Sir R. Inglis) had never seen. He did not concur in everything that had been stated by the hon. Member for Kilmarnock, on this subject; and when he had opposed the grant to Maynooth on former occasions, it had been on different grounds from those put forward by his hon. Friend. He would not enter into the theological branch of the question, on which so much had been said already; for it was sufficient for him to take any one single doctrine most admitted, recognised, or cherished by hon. Gentlemen opposite belonging to the Roman Catholic Church, and he did not mean to speak of it with the slightest irreverence, but it was sufficient for him that it was a doctrine which, as a Protestant, he used the word deliberately, he had been taught to regard as unscriptural, and no consideration on earth would ever induce him to aid in any course of instruction for his fellow-creatures therein. As this motion was not to be opposed, and as the subject would, in course of a short time, again come before the House, he would only say, he had seen no reason to change any opinion which he had ever expressed on this question; and that he thought they were bound by every consideration of Christian duty, and of political expediency, to refuse to continue their support to the Roman Catholic College of Maynooth. On that ground he should give his support to the motion of his hon. Friend.

Mr. Morgan J. O'Connell did not wish to introduce any topics of a personal nature into the discussion, but he would remind the House that, after all that had been said on the subject, and after all the petitions which had been presented, and the discussions which had been got up out of doors, there was little for any one to respond to, as Gentlemen opposite had not dwelt upon general principles. The hon. Gentleman who brought forward the motion, took care to avoid dealing with the provisions of the bill which he proposed to introduce, and all that he could gather from his speech was, that he wished to take away the royal patronage from the College of Maynooth, and to prevent the Lord Chancellor Plunkett, the Lord Chief Justice Bushe, the Chief Justice Doherty, and the Lord Chief Baron, from acting in any way as

visitors. It had been stated by Gentlemen opposite, that they did not support the bill on the grounds on which it was introduced; but whatever compact might exist amongst the supporters of the bill, if some of the grounds on which they alleged they approved of it had been urged by that side of the House, they would have been called jesuitical, and other harsh terms would have been applied to such conduct; but it appeared that this was a privilege extended to one side of the House, and not to the other. He was perfectly indifferent, and he also believed that this was the case with the great body of the Catholics of Ireland, as to the continuance of the grant of 8,000*l.* a year to the College of Maynooth, as he was satisfied that, if it were stopped, a much larger sum would be raised by the voluntary subscription of the people. But if this was to be done, he hoped that it would not be in any indirect manner, but on the broad and intelligible principle laid down by the hon. Member for the University of Oxford, namely, that they were not to pay for teaching that which they did not believe to be the truth, and let this opinion be applied by the people of Ireland. Of course the hon. Baronet was prepared to be responsible for the full and extensive application of his doctrine. The noble Lord, the Secretary for Ireland, said, very truly, that it was evident that the hon. Gentleman wanted much more to make his speech on the subject, than to bring in his bill, as it no doubt was intended to produce certain results out of doors. He (Mr. M. O'Connell) was told, that in Liverpool, where, formerly, there was a great deal of agitation on this subject, got up by Mr. McNeil and others, the attacks on the Catholics on this ground had almost ceased, and that a great controversy now existed between high and low church, or between the Puseyites and the Evangelical party. It might be deemed a matter of convenience for Gentlemen opposite to agitate this matter on the hustings, and to encourage an outcry against the Catholics, on the ground that certain doctrines were inculcated at Maynooth by some theological writers, who engaged in the controversies between the Gallican and the ultra-Montane church, on certain doctrines. He chose to go back to the time of Thomas Aquinas, and other ancient writers of the church, and had proceeded to censure certain doctrines,

which he imputed to Bellarmine, Dens, and others. Now he would ask the hon. Gentleman whether he had never heard of other colleges besides that of Maynooth, in which the writings of Thomas Aquinas were used? If he took the trouble to inquire, he would find that they were daily consulted in those learned French colleges which had been so much praised, and by other Catholic bodies for hundreds of years. What, however, he complained of in these attacks was, the attempt made to excite prejudices in the minds of the people of this country against their Catholic fellow-subjects. There was an organ of the High Church party in this country, namely, the *Quarterly Review*, which constantly indulged in these attacks; and there was a striking instance of this in the number for December, in an article entitled "Romanism in Ireland." In this paper an attempt was made to shadow out something extremely mysterious, and to allude to something most objectionable and revolting as connected with the state of Ireland. He could not help reading a passage in this article. It said—

"No people were ever more formed than the Irish for religion, for obedience, for respect to the ministers of God, for belief in mysteries; and therefore none more fit to be duped and ruled over by Popery. It would be desirable to know what communications are now kept up between Ireland, Rome, Palermo, St. Acheul, and other important stations of Popery, and especially of Jesuitism; what visits are paid to Rome by the Irish bishops, and members of Jesuit establishments; what sums of money transmitted either backwards or forwards. We see a move now made for the establishment of an exclusive Roman Catholic Bank, for the avowed purpose of facilitating these transactions. It is certain that some sums enter into Ireland from abroad; and there is also a remarkable mystery attending the disappearance of money in the hands of the priests. Some few have been known to hoard; but latterly hardly any discoveries have been made of this kind, or of property left to their families. When the large amount of their incomes is ascertained, the immense revenues raised by the Temperance and other similar movements, and the economical mode in which they live as single men, it will, we think, be a matter of no little wonder where their accumulations disappear. We should also beg leave to ask, what changes have recently taken place in the Romish priesthood in the Colonies—Newfoundland, for instance, Australia, Van Diemen's Land, the Cape of Good Hope, Demerara, the West Indies, and especially India? Will the directors of the

East India Company take the trouble to inquire whether recently a colony of priests from Maynooth has been transplanted thither—what steps are now pending in certain law-courts in consequence of their proceedings—how many priests in Ireland are Repealers of the union with heretical England—whether the destruction of the English Empire is not a fundamental axiom, the 'Delenda est Carthago' of Maynooth—and whether a repeal agitation in India, fomented by Jesuits, would be an agreeable announcement? Is Ireland the centre from which Rome supplies her colonies? Is 'Maynooth beginning to be felt' even in America? Are Irish priests of weight even in the election of a President, and by the same engines of illegal votes, perjuries, and intimidation, which may be found perhaps in Ireland? Is there, in fact, a closer sympathy between Ireland and America than mere political opinions; a sympathy which may not be without its results in the case of a war? Is some secret hand now working over North America precisely the same change as it has already worked in Ireland by substituting a class of busy vulgar demagogues for a quiet body of clergy? Were they French priests who 'knew something about the rebellion in Canada,' or priests from a quarter nearer home? Was Dr. Hussey, one of the earliest Irish episcopal agitators, brought from America and made first president of Maynooth for his quiet and loyal principles? And who is Dr. England, who has lately been transmitted to America in return? And what did he carry with him? We do assure the Colonial Secretary that these questions well deserve his attention."

Now, he had thought that if there was one point in which all parties agreed, it was as to the exertions of the Catholic priests in Canada during the late disturbances, to preserve peace and order, which had often succeeded in preventing their flocks from engaging in rebellion, although they had grounds of complaint themselves, and were not well satisfied with the state of things. With respect to Dr. Hussey, he had never heard that he had been brought from America, but he knew that that gentleman had been appointed first president of Maynooth at the instigation of Mr. Pitt, and was made Bishop of Waterford through the same influence, which gave rise to some dissatisfaction at the time on the part of some of the Catholic clergy. The writer also asked "who is Dr. England, who has lately been transmitted to America in return?" It would appear from this as if Dr. England had recently proceeded to America, whereas he had been out there upwards of sixteen years. He (Mr. M. O'Connell) was sorry

that the noble Lord, the Secretary for the Colonies, was not present, as probably he might have given some explanation to Gentlemen opposite on this subject; but as the heads of the party opposite felt themselves justified in stopping away on the discussion of this matter, the noble Lord probably thought that he might without inconvenience follow their example. He should like to hear some explanation as to what Dr. England carried with him. He (Mr. M. J. O'Connell) did not know, and he supposed many of his Friends around him were equally well informed. He protested, however, against thus shadowing forth something to frighten the weak-minded; it was like exciting the fears children against going out in the dark by some idle story of raw heads and bloody bones. It was then asked, "Are any persons, either avowedly or secretly, Jesuits, intrusted with high offices under the Irish government?" The same question should extend to the Franciscans, Dominicans, Carmelites, and other bodies of the kind. Did the noble Lord know of any Jesuits who held high offices under the Government? If he did not, Gentlemen opposite probably would say that it was part of his duty to make inquiries of them on the subject, or perhaps it was intended to be insinuated that the noble Lord himself was a Jesuit. He had thought that all the objections that had been raised to the Temperance Societies in Ireland were at an end, and that, however much some persons might have disapproved of them, at first, that now all parties agreed in admitting that they had been attended with great benefit, and had been one of the best things that had been adopted for the improvement of the physical and moral condition of the people of Ireland. The writer of this article, however, says—

"It was soon found that the Temperance Association was capable of being turned into a powerful engine. It enabled agitators to parade the people in vast masses. It gave a bond of union, and a badge quite as efficacious as an oath, in the temperance medal, which, it is now understood, will be a security not only against the torment of another world, but in the coming massacre, to distinguish Papists from Protestants."

Again, after dwelling on Ribbonism, at some length, it concludes—

"One way there seems to be of explaining this, and only one. Might not the archives of the Propaganda possibly supply the key."

Was this only carrying out the principles entertained by hon. Gentlemen opposite? He hoped that the bill would be laid on the Table with as little delay as possible, and that they would shortly be called upon to read it a second time. [Mr. Cumming Bruce: After the 23rd of April.] He hoped, at any rate, that it would be discussed in a full House, and that it would be printed and circulated, so as to afford time for the expression of opinion on the subject; and while, on the one hand, there would be no attempt to steal a march, that, on the other, there would be no delay in bringing in the bill. He was sorry that prejudices were often too easily raised by the propagation of such assertions as he had just quoted, and how far hon. Gentlemen were justified in avowing and publishing such topics he would leave the House to determine. He would not trespass further on the time of the House than to request that it would not lightly, from what it had heard that night, pass a censure on the priesthood of Ireland. He felt satisfied that the noble Lord, the Secretary for Ireland, had not overdrawn the beneficial influence exercised by this body over the minds of their countrymen; and he would willingly challenge a comparison for disinterested piety and devotion to their ministerial duties between them and the clergy of any Church, whether supported by the State or by the free contributions of their flocks, which he trusted would always be the case with the clergy of the Catholic Church in Ireland.

Mr. Cumming Bruce did not for a moment doubt that many of the Catholic priests in Ireland were upright men, and discharged their duties conscientiously; but this was not the topic then under discussion. As the noble Lord did not intend to oppose the introduction of the bill, it was unnecessary for him to make many observations; but he must observe that neither the noble Lord nor the hon. Gentleman who spoke last had replied to the greater portion of the eloquent speech of his hon. Friend. They had been satisfied with quoting many extracts from books which had nothing to do with the subject under debate. The hon. Member for Kerry said he was anxious for the introduction of this bill, that he might examine it. He also wished for its introduction, but after they had been told the other evening by the noble Lord the Secretary for the Colonies

that, in consequence of the pressure of public business, he should not be able to proceed with the measure on which he stated, that the future welfare of Ireland depended, until after Easter, it would be only following a proper course to postpone the discussion of his hon. Friend's bill until after the other was disposed of. He trusted, therefore, that his hon. Friend would not be so uncourteous to the other side as to proceed with his bill until after the 24th of April.

Mr. Langdale observed, that there were two expressions in the speech of the hon. Member for Kilmarnock, with respect to which he was anxious to make a few observations. The hon. Member alluded to the double interpretation which he asserted Catholics put upon the term "allegiance." Now any Catholic felt that his allegiance to his Sovereign was totally different to what was called the spiritual allegiance to the Church. The latter only referred to the spiritual authority of the Church, and had nothing whatever to do with temporal matters. The difference and distinction between the temporal allegiance and spiritual allegiance, as it had been termed, was as complete as possible. The Catholics had repudiated over and over again, as fully as the Legislature required it, the notion that theirs was a divided allegiance on their part, and that they did not acknowledge their allegiance to the Sovereign of this realm as their Protestant fellow-subjects. The hon. Member might refer to a number of old orders, for the purpose of supporting his allegation, but he had thought that the question had been set at rest to the satisfaction of all reasonable minds. When the subject was alluded to some years ago, Mr. Pitt referred a number of questions, involving the point, to several of the most learned Universities and other bodies in various parts of Europe, and they one and all repudiated the doctrines of not keeping faith with Heretics, or that they could bear a divided allegiance to their Sovereign. He had thought that such prejudices against their fellow-countrymen had been buried in oblivion; but as the hon. Gentleman had thought proper to bring forward these topics, he had felt called upon to repudiate and disown them. The hon. Gentleman also stated that the Catholics reproached and denounced those who differed with them as heretics and schismatics. He should

like to know what difference there was between the doctrines of the Catholic Church and the Church of England on this point. Had not the Church of England denounced those who dissented from her doctrines in as strong language as had ever been used by the Church of Rome? He did not see the hon. Member for Newark in his place, who had written a clever book on this question. Could hon. Members opposite deny, that every doctrine laid down on this subject in that work was asserted by the Catholic Church? Dr. Stebbing, another writer of that party, said, that under the pure Catholic Church they embraced all the members of the Christian faith; and when distinctions were drawn on particular points, the Church of England did the same as the Church of Rome. The hon. Member for Oxford and himself agreed also on some points; but he was sure that neither the hon. Gentleman nor himself could point his finger at another and say such and such a man is a heretic, for each knew that heresy implied a wilful and knowing resistance to the truth. The hon. Member for Kilmarnock stated there was a strong Anti-Protestant feeling existing in Ireland; but he would remind the hon. Gentleman that it was not very long since, that there was a strong Anti-Catholic feeling manifested in Ireland by those who held the reins of power; and after the proceedings which had taken place in that country, was it unnatural that there should be some feeling of reaction against the ascendancy party? When the hon. Gentleman adverted to the strong language which he stated had been used from the Catholic pulpits in Ireland, could he be a stranger to the new reformation sermons, as they were called, which had been preached in this country by Mr. McNeil and others, in which the Sovereign of this realm was compared to Jezebel? When such language and conduct were supported and countenanced by some of the highest Members of the aristocracy who attended the meetings in Exeter-hall, he thought that the existence of some sort of Anti-Protestant feeling in the minds of some of the less educated portion of Catholics might be expected. How, he would ask, was it to be expected otherwise, when persons heard their religious faith denounced and misrepresented in the strongest terms, and all kinds of charges brought against their clergy? He entertained

strong feelings of gratitude towards the great men who were authors of the Catholic Relief Bill—for he should ever feel that the Duke of Wellington and Sir Robert Peel had acted as distinguished Statesmen, and were entitled to gratitude for bringing forward and carrying a measure which they had previously objected to; but he was convinced, if that measure had been carried out fully and fairly in Ireland, immediately after it passed, it would have been attended with a very different result. In the county with which he was connected it had been acted on more fairly, and the result had been very satisfactory. In the East Riding of Yorkshire nearly all the Catholic gentlemen who were entitled from their station to the office, had been placed on the bench of magistrates, to the perfect satisfaction of all persons, including the whole body of the magistracy, a large portion of whom were Protestant clergymen. If the same feeling had been manifested in Ireland, the prophecies which had been made as to the failure of the Catholic Relief Bill would have turned out to have been utterly false, as there would have been an entire and satisfactory settlement of the question.

Mr. *Litton* would state why he should have voted for the motion if it had been opposed, and why he thought the bill should be brought in. He had no doubt, that the hon. Gentleman who last spoke, had spoken most truly, so far as regarded himself and a very large body of the Roman Catholics of this country, no less than of a large body of Irish Catholics. Upon this account, the hon. Gentleman and those who agreed with him, should feel with those on that side of the House, if they were not more anxious that the statements which had been made in the House that night and out of it during the last five or six years should be investigated—for if the alleged facts were not true, the friends of the college of Maynooth and of the Roman Catholic clergy should be the first to challenge inquiry, and refute the accusations which had been made, not by innuendo, but in the most open and direct manner. He should be most happy if these charges should be refuted. There were none so interested in having those facts cleared up as the respectable and loyal priesthood of Ireland, and those respectable and loyal men who felt like the hon. Gentleman who last addressed the House. These charges, how-

ever, should not be met by reading scraps, as the hon. Member for Kerry had done, but by thoroughly taking up the whole question, and meeting facts with facts. He would not enter into any lengthened inquiry respecting the class books as now taught to the students of Maynooth—that he would reserve for a future occasion, for he thought the hon. and learned Member for Kilmarnock had stated enough for the present. But when the bill came on for discussion, he (Mr. Litton) meant to prove that no man, taking up those class books, and, indeed, almost any of the other books used in Maynooth—although the hon. Member for Knaresborough said he knew nothing of them, which, no doubt, was the fact, but then it was his duty to know them—would fail to find, that their principles tended to the intolerance and disloyalty complained of by his hon. and learned Friend. For the sake, therefore, of the hon. Member for Knaresborough and his Friends, and the respectable and enlightened Catholic clergy and laity of Ireland, it was most important that this case should be speedily cleared up. He expected that the hon. Member for Kerry, as a respectable gentleman, as professing the Catholic faith, as one conversant with the politics of the day, and one who knew much of Ireland, would have taken up, and at least have attempted to refute some of those charges; particularly as the noble Lord had very properly and delicately thrown the task upon those whose priesthood and religion had been attacked. He expected that the hon. Member for Kerry would deny the allegations and challenge proof, but he had done nothing of the kind. Neither he nor the hon. Member for Knaresborough had an excuse for omitting to meet the facts, for the motion did not take them by surprise. For five or six years similar attacks had been made at public meetings, and in the last three or four years some divisions had been taken in that House on the question, so that some step like the present ought to have been expected, notwithstanding the complaint of the right hon. Gentleman the Member for Tipperary. This bill was, in fact, brought in to enable hon. Gentlemen to oppose the grant given to Maynooth. He made those observations without the least feeling of unkindness towards his Roman Catholic brethren; he believed there was not a man in that House or out of it who had had less difference with any class of his fellow-subjects, but he thought it his duty now to

give notice, that when the debate on the second reading of the bill took place, he would call upon the Gentlemen opposite either to deny positively the charges that had been made, or to explain them away. They must then be prepared to give a distinct and palpable meaning to those expressions referred to by his hon. and learned Friend, and also to many others which were to be found in the works from which he quoted. When he first came into Parliament, and heard heavy charges made against the education taught in Maynooth, and against the language of the books studied there, he perused those authorities for himself, as a matter of duty. He would not now refer to them in detail, but would generally say, that no candid man, reading those books, could say that their plain meaning, especially to youth and unlearned persons, was other than to inculcate the absence of allegiance to the Crown; and that oaths need not be kept with heretics, particularly when the breaking of them would be beneficial to the interests of the Roman Catholic religion. Upon the second reading of the bill, he should call upon hon. Gentlemen opposite to explain or deny those passages; for it was the duty and interest of every Gentleman in that House, no matter what his politics, especially those who professed liberal politics, and who sincerely respected the Catholic religion, to say whether those allegations were to be unanswered or not—allegations which had not yet been answered in public discussions, or in writings, or in that House.

Mr. O'Connell would commence what he had to say, by stating, in the most distinct and emphatic manner, that he implicitly believed in all that was taught at Maynooth; he would not for a moment shrink from making this avowal, in its completest extent, and he was only checked by his respect for the House from expressing most emphatically his contempt for those aspersions upon that college which had been so shamelessly uttered by several hon. Gentlemen on the other side of the House. It was said, that the charges brought that night against Maynooth had already been frequently made in that House; he had been longer in the House than the hon. Gentleman who made this statement, and he could tell the hon. Gentleman, that at least never had any charge against Maynooth been brought forward in so indecent a manner. Never had any charge against Maynooth assumed

a character so reckless, so malevolent, so utterly calumnious. It was said, that such charges had been made elsewhere; they had, in places and by orators exactly in unison with the disgraceful and disgusting slanders poured forth. But it was said, that these charges had never been refuted; they had, as often as they had been advanced. The hon. Gentleman said, that allegiance to the Crown was frittered away at Maynooth; he would fix the hon. Gentleman to this daring assertion, and he would prove to him, whenever he would, that never was there a more groundless assertion; never did bigotry instigate a calumny, or utter anything more grossly devoid of foundation. The hon. Member, speaking to Gentlemen his equals, at least, presumed to talk of Roman Catholics disregarding their oaths. He hardly knew in what terms to answer this assertion in the House. Were it said out of the House, the answer that would best fit the statement would be that the assertion was false as hell. The hon. Member quoted passages and phrases, but he had carefully abstained from quoting either book, chapter, or verse, or it would have been easy to have sent for the book, and at once to have confuted him. The only two passages for which the hon. Member had given the precise authority, consisted of expressions which no Christian need be ashamed to utter or avow, which were perfectly consistent with the charity which belonged or ought to belong to every church. The hon. Member quoted Dr. Slevin, but he had not cited the particular pages, and the reason was, that the hon. Member knew very well, that if he had done so, he would have been contradicted and confuted in a moment. The hon. Baronet, the Member for the University of Oxford, had expressed himself on the subject with his habitual good-humour, candour, and straightforwardness, but he was not satisfied with the answer which the hon. Member had given. The noble Lord, the Secretary for Ireland, when he talked of Puseyite doctrines, had not imputed them to the University of Oxford, but to persons, clergymen, and among these, a Bishop, who had been connected with the University. For his part, he confessed, he greatly rejoiced to see the advance of those doctrines. It must be admitted, that those were acting contrary to their oaths in teaching Popery, while they were

paid by the Protestant Church. The hon. Gentleman did not deny that, for he could not, but, blessed be Heaven, the swearing to the Thirty-nine Articles, and afterwards evading them, was not Catholic. This was a fellowship he did not desire, though the movement was, he was glad to perceive, in the direction of the true church, and would tend to the triumph of the true religion. There was not a single feeling of heartfelt religion to redeem the malevolent tirade and the abandoned calumny which characterized the speech of the hon. Member for Kilmarnock. If the suspicion of thorough hypocrisy could be laid aside, the vituperation of the hon. and learned Gentleman would have been amusing. He could not help wishing, that a few Catholic theologians had been present, as they would have been delighted with his dissertation on the cisalpine quarrel, and his running commentary on it. This was a case in which the State wanted to invade the rights of the Church, and France supported that design. The French parliament was opposed to the liberties of the church. What was the consequence? The infidelity which led to the revolution and the trampling on all church institutions. There was, however, no agreement in religious principles between the Gentleman who made the motion, and him who seconded it. No ultra-montanist and cisalpinist could have differed more than the hon. Member for Kilmarnock and the hon. Member for Elgin. One was an intrusionist, the other a non-intrusionist. He saw the other day a speech in which the hon. and learned Member for Kilmarnock spoke with indignation of the attempt of the State to interfere with the Church of Scotland; but his colleague in attacking the Catholics was a zealous intrusionist—in fact, there was not a single point on which the two hon. Members were agreed, except in hatred to the old religion. The one relied upon the authority of John Knox, the other contended for the supremacy of the State over the Church, but they agreed to hunt in couple against Popery. He was sorry for the Church of Scotland. The present quarrel would not be soon over, and really he must say, it was as pretty a quarrel as he could desire to see. But the ultra-montanist question was now at an end. All Catholics, now, in every State, acknowledged the spiritual supremacy of the Pope to its

just extent. You could not show a State in Europe, or in the world, where the Catholic religion was not extending itself, or one where Protestantism was on the increase. He (Mr. O'Connell) was sorry to dwell on these subjects, but a polemical discussion had been forced on them, and he should be ashamed if he did not maintain a reason for the hope that was within him. The hon. and learned Gentleman talked of getting published the bulls that had been addressed to the Catholic bishops. He might do so. The Catholics struggled for emancipation in Ireland. It was offered to them if they would give the State the power of appointing their bishops; but the Catholics would sooner lose their rights than permit an adulterous connection between their church and a temporal party. But the hon. and learned Gentleman talked of a difference between Irish priests educated in France and at Maynooth, and he quoted Inglis to prove his contrast. This reference proved the discrimination of the hon. Member for Kilmarnock. Now, Inglis was in Ireland in 1831 and 1832, talking, as he said, familiarly with priests who had been educated in France. But the education of Catholic priests in France ended in 1792. No one could go from Ireland to France unless he were first ordained, and he must be then 24 years of age. He could not return until he was 30, but they must all have returned before 1792; and yet Inglis stated, that he had been talking familiarly with those priests 38 years after the time when they must have attained the age of 30. Now, considering the laborious mission of the Irish priests, he (Mr. O'Connell) would put it to the House, how many of those rev. gentlemen could be alive when Inglis was in Ireland? He had been a great deal amongst the Irish priesthood, and he knew, that when Inglis's book came out, there were only four of those gentlemen living, not one of whom that writer had seen, and of the four there was but one now living. But there seemed to be no discriminating facility in the hon. and learned Member, and he could not discern truth from falsehood, and error from fact. The hon. Member next told them, that the late Lord Castlereagh was an exceedingly great theologian, a faculty which he (Mr. O'Connell) had never before heard attributed to that nobleman; but he was quite willing to make the hon. Member

for Kilmarnock a present of all the benefit of that authority. Then the hon. Member came to Emmett, and his evidence before a Committee of the House of Lords, after he had acknowledged himself to be a traitor. He (Mr. O'Connell) did not mean to speak slightly of Thomas Addis Emmett, whom he remembered as an accomplished gentleman, a man of talent, adorned with all the virtues of private life, who was rising fast in his profession, and full of the gifts of science. Emmett embarked in the fury of the French revolution, but he was no authority on Catholic opinions. Scarcely a Catholic gentleman took part in the rebellion. All those who were executed were Protestants or Presbyterians. So the quotation from Emmett was another instance of the facility of delusion which seemed to distinguish the hon. Gentleman. The hon. Member for Kilmarnock next went into a long dissertation on the intimidation of Catholic priests, which he ventured to say, he had proved to a demonstration that would admit of no denial. Another instance of his facility at delusion and assertion! But more astonishing still, the hon. Member seemed determined to quote anything, except only what was true. Now, there had been no less than thirteen committees before whom cases of alleged intimidation at elections were tried. Six of these were tried by Tory committees, and the popular candidates were unseated, but not a single attempt was made to prove misconduct on the part of the priests. The charge had been made out of doors it was true; the committee furnished an opportunity to prove it; and he implored the House to attend to him, while he stated that those opportunities of sifting the alleged misconduct, upon oath, were neglected and flinched from by those who had raised the calumny, and who continued to propagate it. To be sure the Catholic priests took a part in elections, and why should they not? They spoke from the altars against perjury and bribery; but he defied the hon. Member to show by evidence that they went further. The hon. and learned Member quoted Singleton; but was Singleton ever in a Catholic chapel, or before an altar? All his evidence was mere hearsay, picked up from those who stated that they were present at what they described. But he turned with contempt from those calumnies on the Catholic priests. Did

they imagine that Exeter Hall was the only place where all that was low, filthy, grovelling, and false against the Catholic religion was spoken? It was not. The meanness, virulence, and calumny, which had been so long considered as exclusively congenial to Exeter Hall, were now transplanted into that House. He repudiated those doctrines; every one of them had been already repudiated, and confuted over and over again. His eternal salvation depended upon the sincerity of his belief, and, standing as he did, in the presence of that God who was to judge him, he there asserted that he never would abandon one particle of his creed; and he now told the hon. Member for Kilmarnock, that a more calumnious, and a more false assertion was never made against any church, than had that night been alleged against the Roman Catholic Church, by that hon. Member. Of what church did the hon. Member elect to call himself? the idol whom he appeared to set up and glorify being John Knox; the hon. Member for Newark, had he remained in his place, would hardly allow that the hon. Member belonged to any church at all, and he would say to the hon. Member, "Have you ordination in your church? and who was John Knox?" Had the hon. Member read Mr. Tyler's work? That Protestant Presbyterian historian proved that John Knox was accessory before the fact to two murders—a notable idol for the hon. Gentleman. And to talk about the Roman Catholic doctrine inculcating the violation of faith even to Protestants! The hon. Gentleman's idol, John Knox, indeed, said that no faith was to be kept with Catholics; but to assert that Roman Catholic doctrines, in any place, or in any manner or degree, inculcated the abominable principle, that faith was not to be kept with Protestants, was a preposterous and utterly unfounded calumny. It was the doctrine of the Roman Catholics, that faith was to be kept with every body; and that he violated the faith of God, whatever he called himself, who violated his faith with man. And what was John Knox's first act when he got into power? He procured an act of Parliament to put Roman Catholics to death as idolators. Yet hon. Gentlemen opposite, who glorified John Knox, assailed the Roman Catholic priests, because, said those hon. Gentlemen, they were intolerant. They were assailed, too,

because it was said they inculcated the violating the allegiance to the Crown; but who was so open a teacher of rebellion as John Knox? The disciples of such a man were to be regarded with a feeling of pity, guarded by a large share of distrust. He had been unwillingly forced into this polemical discussion. His religion had been attacked, and it was his pride and duty to defend it. It is the ancient religion of this land—it is the religion of Alfred and of Edward, of Fenelon, and of Sir Thomas More. It is a religion, as had been eloquently said, which existed during the persecution of the early Christians, and has survived the flames and wild beasts of the Roman amphitheatre, and it will exist when some traveller from New Zealand shall take his stand in the midst of a vast solitude, on the broken arches of London Bridge, to sketch the ruins of St. Pauls. He did not provoke this discussion, but he was not sorry it had arisen. Could anything exceed the bigotry of the petitions which had been presented? Did they not breathe all the rancour of the early Reformation, as it was called? And was not that rancour exhibited by the Gentleman who gloated over the bigotry of those petitions? “It was time,” said the hon. Member, “that the House should respond to the sentiments that had so long existed abroad. He knew there were millions in this country who scorned such sentiments. The hon. Member talked of a response in this House, and the hon. Gentleman on the other side cheered the most malignant and unfounded of his assertions. Blessed be God, the people of Ireland knew that bigotry so foaming and boiling over, never polluted that House before. He wished he could prophesy it never would again. It should not with impunity. He would ask them to judge of the priesthood of Ireland by the people, and the people by their priesthood. Nothing could be more just than the tribute which the noble Lord near him had that evening paid to the Irish nation. Most true was it, that of the people of these realms, the women of Ireland were among the purest, her men among the most temperate, the most religious; none were more regular communicants with their church, none more zealous for their religion, nor of more practical piety. The hon. Gentleman said he had been in Ireland? His visit was not one of mercy and charity, but to discover what he could

blame. In his own evidence there was no mark of candour, or he would read it for him. He had been there; and did he know any people on the face of the earth so many of whom are communicants every Sunday in the year? The altar rails were thronged with them, and let hon. Gentlemen remember how they regard the solemn mystery there consummated, and where, on the face of the earth, was there a people with so much zeal for their religion, with so much practical piety as the poor people of Ireland. True, they had their errors—revenge was perpetrated among them, and under its influence many were scattered abroad and met with untimely deaths; vengeance had broken through the restraints of religion and the feelings of humanity; but he could with pride, in comparing his country with either England or Scotland, affirm that in Ireland crime was infinitely less in aggregate amount, and infinitely less in individual atrocity, than in either of the other portions of Great Britain. Never was she dishonoured by those horrible pecuniary murders—those assassinations, committed merely out of a thirst for gold, which were of such dreadful frequency, that cast a foul blot upon the people both of England and of Scotland. The Irish were a religious and a moral people, and true religion and morals were still spreading through the land. He held in his hand a document, from which he would read what the state of the population is. You talk of Protestant Ulster. There are 976,088 Protestants of every description in Ulster, but there are 1,092,828 Catholics, giving a majority of 116,740. In Leinster the majority was 1,334,014. In Munster it was 1,975,964, and in Connaught 1,166,280, deducting only 57,750 Protestants. Was it then in that House that the cry of bigotry was raised and propagated against that country? It was not wise—it was not prudent—above all, it was not Christian. Would to God an end were put to these polemical discussions; and they would be put an end to, if the hon. Member would mind his own religion more, and that of others less. Let him study Presbyterianism, let him study the principles of the English Church—it was said he communicates with it. I hope it is a calumny as he is a Presbyterian. He conjured the hon. Member, therefore, to look at his own religion, and not at the religion of others—of others who were no

more than himself tainted with any one doctrine inconsistent with the purest morality or the precepts of the divine law, either expressed or implied, and whose ancestors had the courage to sacrifice the last drop of their blood rather than abandon by deed, or word, or insinuation, one particle of their faith. He begged leave to support the hon. Member in asking leave to bring in his bill, but he believed the hon. Member would never bring it in.

Mr. Sergeant *Jackson* said, that, as it was not intended to resist the motion of his hon. Friend for leave to bring in his bill, he would not have troubled the House with any observations, had it not been for the extraordinary address of the hon. and learned Member who had just sat down. The hon. and learned Gentleman had shifted the ground from the question before the House by an unwarrantable personal attack upon his hon. Friend, the Member for Kilmarnock. He would only say, his hon. Friend's character was well known to the Members of that House, and stood not in need of his humble testimony. There was no man in the country whose moral and religious character would bear a stricter scrutiny. His hon. Friend had confirmed his statements by quotations from certain books used in the course of education at Maynooth. The facts were as his hon. Friend had stated, and he would prove them to be so before he sat down, and give the hon. and learned Member for Dublin page and chapter. The hon. and learned Member had attributed to his hon. Friend what had never been said by him. His hon. Friend did not state that Mr. Emmett had been examined before the House of Lords, nor did he make any quotation from any evidence given by that individual before their Lordships' House; but he would repeat and prove what his hon. Friend had said. Mr. Emmett's statement was to be found in a work published by him in New York, in 1807; for Mr. Emmett, being a rebel, found it convenient to leave Ireland. He had been a member of the Roman Catholic committee, a convention which, in 1793, sat in Dublin. What Mr. T. A. Emmett stated in his book, was, "that the Education Committee (which had been appointed by the Roman Catholic committee or convention) had formed a plan for the united education of Roman Catholics and Protestants, to be dependent on the people for support, and to be under

the joint control of clergy and laity. But that the Roman Catholic hierarchy privately stated this plan to the Government, and proposed a system, to be under their exclusive control, and purchased the assent of Government to their proposition, by presenting an address to the Crown against Defenderism." This will be found in page 61 to 63 of the book entitled "Pieces of Irish History," printed by M'Nevin, at New York, in 1807.—This M'Nevin had, himself, previously been one of the accomplices in rebellion of Mr. Emmett. Defenderism was a species of treason, at that time prevalent in Ireland, and as the Roman Catholic bishops in their address to the Crown stated, was, they regretted, chiefly confined to persons of their communion. The Government were, naturally, most desirous to put down this treason, and the Roman Catholic bishops, it would appear, agreed to strengthen their hands by means of that address, and the historian adds, "After this, all confidence between the prelates and the laity was destroyed." This, the House will see, fully confirms the statement made by his hon. Friend, the Member for Kilmarnock. But he would proceed to the important matters more immediately before the House. From the turn which the debate had taken, the real questions at issue were two: first, are the books referred to by his hon. Friend, the Member for Kilmarnock, used in the College of Maynooth? Are they the class-books required to be in the hands of the students, or the standards recommended for their guidance and referred to by the professors in their course of instruction? And secondly, do these books contain the pernicious and revolting matters stated by his hon. Friend? Now, he asserted that both those questions must be answered in the affirmative, and he was prepared, as he had already said, to prove, by documentary and indisputable evidence, the truth and accuracy of what had been stated by his hon. Friend, the Member for Kilmarnock, in both particulars. The question was not whether Roman Catholic Gentlemen in that House, and educated Roman Catholics out of it, believed the doctrines inculcated by such works; indeed he was sure that, if the Roman Catholic laity were aware of the books used in the college, they would be as loud as any Gentlemen on his side of the House, in their denunciations of them. He con-

curred in the eulogy bestowed on the religious character of the Irish people; but he thought it monstrous to allow the teachers of such a people to be instructed from books like those he alluded to. The poor people of Ireland, he verily believed, were as truly pious and devoted to their religion (which no doubt they believed to be true) as any people in the world. They were also greatly attached to their clergy, and almost absolutely at their disposal. But he would ask, did not this consideration make it a matter of the most vital importance what moral principles were to be instilled into the minds of those who were to be the religious instructors of such a people. Then, as to the first question—namely, are the books referred to by his hon. Friend read at Maynooth?—he begged to refer the House to the eighth report of the Commissioners of Education in Ireland for 1827, No. 11, appendix, p. 447. There they would find a return made by Dr. Crotty, then the principal of Maynooth College, to the commissioners, containing “a list of the books used in the different classes, and which the students are obliged to purchase.” Amongst these will be found, “The Commentaries of Menochius,” “Delahogue’s Dogmatic Tracts, 5 vols.” and “Bailly’s Moral Tracts, 5 vols.” They will likewise find “a list of the works recommended by the professors for the perusal of the students, or referred to by them in the course of the lectures.” Amongst these are the following:—“Bailly,” “Collett,” “Deux Conférences d’Angers,” “Devoti,” “Reiffenstueil,” “La Morale d’Antoine,” “Cornelius a lapide, Maldonatus,” “Bellarmine and St. Thomas Aquinas.” Did not these lists contain every one of the books referred to by his hon. Friend, the Member for Kilmarnock, and several other most objectionable works besides? But he would now proceed to the second question, having, as he trusted, satisfactorily established the first; he had been challenged to quote, and he would do so. In Bailly’s *Moral Theology*, c. 7, p. 232, the doctrine was laid down with respect to theft, that the sin depended on the amount of the property of the person plundered. [A cry of “the mortal sin.”] He would quote the passage, and let the House judge of the soundness of the morals inculcated.—

“How great must be the quantity of the thing stolen, in order to constitute the theft a

mortal sin? It cannot easily be determined, since nothing has been decided on this point, either in natural, *divine*, or human law; hence, theologians are accustomed to distinguish men into four ranks.—In the first rank were the illustrious who lived in splendour; in the second those who lived on their estates, but not in such splendour; in the third, the artificers; and in the fourth, the poor, who lived by begging. It was there laid down that to constitute a mortal sin the theft from persons of the first rank must amount to 60d. or 50d.; from persons of the second rank, to 40d.; from the third, 20d.; and so on.”

That then was a scale showing the different degrees of moral delinquency in thefts of different amounts. It was likewise stated, that it was no crime for a wife to rob her husband, if she did so for the support of her own family. On the subject of oaths, he found in Bailly, volume 2, page 117, that an oath must be considered as binding, unless there should exist some legitimate excuse—such as the prohibition of a superior. There were five cases in which the obligation of an oath was annulled, one of which was, when the thing sworn to be done was impossible or unlawful, on account of the prohibition of a superior. Now, he would have hon. Gentlemen consider this. All the monastic orders had their superior in Rome. That had been given in evidence before the Education Commission in Ireland. Dr. Anglade, professor of divinity at Maynooth, was asked by the commissioners, (see their Report, Appendix, No. 24, p. 170.)

“Where does the general of the Franciscans live?—I think at Rome. Where does the general of the Dominicans live?—At Rome, I believe. Where does the general of the Augustinians live?—I think at Rome. Where does the general of the Jesuits live?—I think at Rome?”

If, then, an oath taken by a Member of any of those orders (and we have multitudes of them in Ireland) were not binding if the superior forbade it, there was an end at once to the obligation of the oath. [“No, no,” from the Ministerial Benches.] All he could say was, that if such were not the case, he did not understand the English language. Referring to other authorities, he found it stated, that in every oath there were certain tacit conditions understood, one of which was *Salvo jure superioris*, and another that vassals and servants were freed from the obligation of any oath made to heretics. See

Reiffensteuil, in the 5th book, tit. 7. De Hæreticis :

“Are vassals and servants and others freed from any private obligation due to a heretic, and from keeping faith with him?—Yes; all are so by the clear disposal of the law.”

He would not occupy the time of the House by endless quotations, but there were whole pages of matter to the same effect—that is, laying down rules to show when an oath was to be considered binding, and when it might be dispensed with. He would be prepared to state many more, when the proper occasion presented itself. He had been astonished to hear the noble Lord state, that inasmuch as the books used at Maynooth taught the doctrines of the Catholic religion, we had no cause to quarrel with them. Was not that a most extraordinary position? These very doctrines, he would venture to say, were held in utter aversion by the religious portion of the Roman Catholics. Yet, notwithstanding this, all these atrocious doctrines were referred to in the books read by those students who were to become the teachers of the Roman Catholic population. He had said, that he would not fatigue the House by unnecessarily multiplying quotations; but as the truth of what had been stated by the hon. Member for Kilmarnock had been utterly denied by the learned Member for Dublin, and as he had been challenged by the hon. Gentlemen at the other side of the House to sustain the statement of his hon. Friend, he trusted he should be permitted to lay before the House a very few more passages from some of the authors named by the Member for Kilmarnock, and which were to be found in the lists delivered to the Commissioners of Education in Ireland, as already mentioned, and which are in the hands of the students at Maynooth. In BAILLY's *Moral Theology*, page 140, it is said,

“There exists in the Church a power of dispensing with oaths.”

And at page 145 this question is put,

“What may be just cause of dispensation from vows?—Several causes are set forth in answer: amongst others, the utility of the Church, the spiritual utility of the person who vows or swears, any doubt of the validity of an oath; and any other sort of case which may be generally reduced to piety, spiritual utility, or necessity.”

Professor Anglade, in his examination

before the Commissioners of Education, deposes that Thomas Aquinas's *Secunda Secundæ* is one of the treatises on ethics. Thomas Aquinas (Quest. 89, Art. 9.) says, “Sometimes things are promised by an oath of which it is doubtful whether they be lawful or unlawful, profitable or injurious, either simply or in any particular case, and in this case any Bishop may grant a dispensation.” “But sometimes a thing is promised under an oath, which is manifestly lawful and useful, and in such an oath there seems to be no place for dispensation or commutation, unless something better occurs to be done for the common utility, which seems chiefly to belong to the power of the Pope, who has the care of the universal Church.” Antoine says (vol. 3, p. 79,) quoting from the third Lateran council, 16th canon, “Those are not to be called oaths, but perjuries rather, which are taken contrary to the ecclesiastical utility and the institutions of the fathers.” In Reiffensteuil's work already quoted, (book 2, tit. 24, de jure jurando) it is laid down, “in every promissory oath *however absolutely made*, certain tacit conditions are understood—one of these is, *salvo jure et auctoritate superioris*.” Delahogue, in his Treatise, “De Ecclesia,” p. 104, lays down this doctrine, “The Church retains her jurisdiction over all apostates, heretics, and schismatics, though they do not now belong to her body, as the leader of an army has a right to punish a deserter though his name be not on the roll.” Antoine says, in his treatise, “De Virtutibus,” “It is certain that baptized infidels, whether heretics or apostates, can be compelled to return to the faith.” My hon. Friend has cited passages to show what punishments may be inflicted on heretics. They will be found enumerated from confiscation of goods to death itself, in “Collett on the Decalogue,” vol. v. p. 396. He trusted he had thus redeemed his pledge of proving the truth and accuracy of the statement laid before the House by his hon. Friend the Member for Kilmarnock by the references he had made; and he trusted, also, he had satisfied the demand of the hon. and learned Member for Dublin, by giving him the pages of the works in which they were contained. He had heard, with extreme surprise, the proposition laid down by the noble Lord the Chief Secretary for Ireland, to the effect that if the

College of Maynooth taught the doctrine of the Roman Catholic Church, the House of Commons had no right to find fault with the principles which it inculcated. He could scarcely believe it possible that the noble Lord could seriously maintain such a position. Surely, if the principles quoted from the works he had referred to were the doctrines of the Church of Rome, there could be no reason more conclusive for withdrawing all public aid from that seminary. But the hon. Gentleman opposite, the Member for Knaresborough, indignantly, and no doubt, with the most perfect sincerity, repudiated these obnoxious principles. So did all persons of the Roman Catholic persuasion who, previous to the passing of the Relief Bill in 1829, had been examined by Parliamentary Committees on the subject. But did not the College of Maynooth, notwithstanding these disclaimers, still persevere in teaching these doctrines? Was it not the solemn and incumbent duty of Parliament to put an end to such grievous abuse? Should they not see that books inculcating such mischievous tenets should be given up by the professors or else that, if retained, they should be expurgated? He (Mr. Sergeant Jackson) entirely subscribed to the opinion expressed by his hon. Friend the Member for the University of Oxford. He objected to the grant made to the College of Maynooth, on the highest ground, namely, upon the ground of sound religious principle. He conceived that it was the duty of the State to provide religious instruction for the people in that form of doctrine which the State maintained and professed as being the true religion of the Gospel. It was not justified in teaching or in providing instruction in that which it held to involve dangerous error. He, in common with his hon. Friend the Member for Oxford, did not feel at liberty himself to teach doctrines which he believed to be erroneous, and therefore he must object to paying others for teaching such doctrines. Hence he (Mr. Sergeant Jackson) felt great difficulty as to the course he should pursue in reference to the annual votes in the miscellaneous estimates for the College of Maynooth. He did not feel at liberty to vote a grant, for a purpose of which he could not conscientiously approve, and, on the other hand, he felt that it would be unjust to stop the grant, perhaps in the middle of a year, and after

engagements had been entered into, and liabilities incurred upon the faith of the continuance of a grant which had been made by Parliament for so many successive years. He had, therefore considered it his duty to abstain from voting upon this question, and to leave the House whenever that vote was proposed. He thought that they owed a heavy debt of gratitude to his hon. Friend who had been so stigmatised, and stigmatised for what?—for stating matters of fact of the greatest public importance, and which, as a Member of that House, he was bound to bring under the notice of Parliament, and the form of his religious faith was held up to odium, because he had done what he rightly conceived to be his duty. The noble Lord had stated that the governments of other countries gave support to institutions of this nature; but he would remind the noble Lord that these were Roman Catholic countries. He did not see why hon. Gentlemen should be precluded from making any inquiry into the conduct, state, and circumstances of a college which since 1795 had received annual grants. The noble Lord (Morpeth) had also thought proper to make an attack on the University of Oxford—with that he would not meddle, as he thought that his hon. Friend the Member for that University had most triumphantly answered him; but he must be allowed to say that anything more inapplicable to the arguments of the hon. Member for Kilmarnock he had never heard. There was one thing, however, which he had been delighted to hear from the lips of the noble Lord opposite (Lord Morpeth), and that was his abhorrence of the system which prevailed in Ireland of denouncing persons from the altar. It was perfectly well known that this had taken place—that these persons so denounced had been put in jeopardy of their lives—Catholics as well as Protestants. The noble Lord must be acquainted with the fact—he believed the noble Lord was in possession of information respecting it. It had been put on record before the committee on bribery and intimidation at elections in Ireland. A question had been asked—"how many priests were repealers?" to which the answer had been "almost the whole body." Now he could not think any man a good subject who was a repealer. He had the authority of her Majesty's Ministers for saying that the object of the repealers was

the dismemberment of the empire, the withdrawing of Ireland from beneath the sceptre of our gracious sovereign; therefore no truly loyal subject could be a repealer. He held in his hand an account of a repeal meeting which had taken place at the Corn Exchange, Dublin, on the 1st of February, 1841, at which a Mr. Davis, a Roman Catholic priest, mentioned that he had received a letter from Ardagh, which carried some weight with it. This weight was the sum of 74*l.*, being the subscriptions of seventy-four Roman Catholic clergymen. The announcement was received with cheers. Mr. Davis went on to state, he would undertake to say, that before that day week there would not be a single Roman Catholic clergyman in Ardagh who would not be a repealer. If this were the true expression of feeling on the part of the clergy, very little doubt could be entertained as to what would be the sentiments of those whom they governed. These were the natural fruits of the education given at Maynooth. He felt sure that it was not the wish of her Majesty's Government to assist in making the poor passive people of Ireland repealers and revolutionists. The original object of the grant to Maynooth was to enable those interested in the institution to purchase land to the amount of 1000*l.* a year, and to receive donations and bequests for the purpose of constructing a college where priests might receive a domestic education free from the taint of republican and revolutionary principles. And what had been the effect of that education? He held in his hand a book written by the right hon. Gentleman the Member for Waterford (Mr. Wyse) giving an account of the Catholic Association, noticing also the Maynooth priests—the effect which Maynooth had produced on them, and what they had done for the country. He said, that the clergy, from time to time, had sent in their adhesion to the Roman Catholic Association. His expression was, “Maynooth began to be felt.” He (Mr. Wyse) stated, “that although in some instances the propriety and decency of the ecclesiastical state had lost ground by reason of the conduct of the priests, yet that was more than compensated for by the infusion of vigour amongst the body generally.” He (Mr. Wyse) stated, “that the system pursued at Maynooth was calculated to inculcate democratic principles; and that its pupils, the priests, must by

the course of events become more powerful.” Agitators had harangued the people in the chapels from the altars for election purposes. He trusted that in what he had advanced he had said nothing which could hurt the feelings of any one. It was certainly his most anxious wish to avoid giving any offence, but he must, in conclusion, state his conviction that if the doctrines to which he had adverted were to be found in the books read at Maynooth, beyond all doubt it was a circumstance deserving their most serious attention. The hon. and learned Gentleman concluded by thanking the House for the indulgence which they had accorded to his address, the rather as unavoidably it had been somewhat of a discursive and uninteresting character. *

Mr. *W. Barron* felt it to be his duty as a Roman Catholic, and the representative of a Roman Catholic constituency, to deny in the most solemn manner that his church professed or entertained the abominable and atrocious doctrines attributed to her by hon. Gentlemen opposite—such as not feeling it necessary to keep faith with heretics, or taking oaths from which they might be absolved by other means than those acknowledged by persons of a different persuasion. But those doctrines had been over and over again denied by eminent Catholic divines, in defending their church from the various calumnies which were heaped upon her. Hon. Gentlemen opposite, must, therefore, have known that they were falsely accusing that church, or, if they did not, they ought to have made themselves acquainted with the real facts of the case before they had the audacity to attribute such doctrines to men who were in every respect their equals. He was convinced, that such speeches as that of the hon. Member for Kilmarnock would do more to repeal the union than could be effected by the exertions of the hon. and learned Member for Dublin; for they would convince the people of Ireland that there still existed, even amongst the enlightened portion of this country, a spirit of religious bigotry and intolerance so strong as to have made its way into the House of Commons, and which he had hoped had been laid at rest by the bill of 1829. The speech of the hon. Member for Kilmarnock, was, in fact, nothing more than a *réchauffée* of the most bigotted portions of those harangues against the Catholic religion which had

been delivered by various opponents of the Catholic claims previous to their settlement, and, had a stranger heard it, he might readily have supposed that those claims were still under consideration. He had been listening to the exhortations of the Catholic clergy for twenty-five years, and he could assert, that he never heard them utter a single sentiment that would not do honour to the clergy of any Christian assembly; and, more than that, he believed, that but for their exertions Ireland at various epochs would have been driven into a state of desperate rebellion. They had, too, the testimony of the noble Lord the Secretary for Ireland to show that by their exertions, and under their guidance, Ireland could boast of a moral and a virtuous people. He deeply regretted, that such a discussion as the present should have been raised in an enlightened assembly, and he believed there was none other in Europe than the British Parliament where it would have been tolerated for a moment. Within the last twenty-five years Protestant Prussia had instituted eight colleges for the education of her Roman Catholic population; and likewise a university expressly for the education of Roman Catholic clergymen. Nay, more, in every one of the seven universities of Prussia Roman Catholics were eligible to every office of honour or emolument in those institutions. In Holland, another Protestant state, the same liberal and enlightened policy was pursued; and yet he believed that there was not a more moral or religious people on the face of the globe than the Dutch. Having mentioned two Protestant, he would also mention two Catholic countries, whose example he thought England would do well to follow. In France the universities were open alike to Protestants and Catholics; and Protestant clergymen were actually paid by the state whenever they collected a sufficient number of persons to form a congregation; while in Austria, so total an absence was there of religious distinction, that Protestant professors were appointed to the Roman Catholic college of Vienna, and Protestant clergymen were, as in France, supported by the state. And yet the Legislature of wealthy, enlightened, and civilised England was called upon to discontinue the paltry grant of 8,000*l.* a year for the education of the clergymen of 7,000,000 of her Majesty's British subjects! He granted that the Roman Ca-

tholic clergy of Ireland were not properly educated. But what they wanted was more money to enable them to pay eminent professors according to their talents and acquirements, and to enable the students to remain a longer time in the college, and thereby pass through a more enlightened and liberal scale of study. Until they increased the grant to Maynooth College they would not have a class of clergymen so qualified as he should wish, and as hon. Gentlemen opposite ought to wish, for the country. Let hon. Gentlemen who called for the discontinuance of the present grant, and who entertained such bigotted sentiments upon this subject, recollect, that in Canada, where much discontent prevailed, a large portion of the people were Roman Catholics, as well as in several other of our colonial settlements; and, recollecting that fact, let them ask themselves whether the allegiance of that class of our fellow-subjects was likely to be strengthened by the expression of such sentiments in that House. He, at least, felt that it was not. The hon. Baronet the Member for the University of Oxford had said a great deal upon the subject of conscience; but did he pretend to be the keeper of the consciences of the country; or would he refuse to John Thorogood the liberty of refusing to pay church-rates, because he conscientiously objected to support a Church from whose doctrines he dissented? In his (Mr. Barron's) opinion, that House had no right, according to the spirit of the British constitution, to bind down the consciences of the people, while it was their duty to act for the good of the people generally without reference to religious distinctions, and to confer the same advantages upon all. Hon. Members should not forget, either, that the Universities of this country were founded originally by Roman Catholics, out of their private fortunes and resources, and that to have deprived them of all participation in the benefits arising out of those establishments was nothing else than an act of spoilation and robbery on the part of the ancestors of those who now cried out against the miserable pittance extended by the State for the support of the Roman Catholic College of Maynooth.

Sir *R. Bateson* said, that the College of Maynooth was originally instituted for the purpose of affording a liberal education to Roman Catholics, but it had sig-

nally failed in effecting this object, and, therefore, he, feeling this to be the case, should support the bill of the hon. Member for Kilmarnock; he hoped the hon. Member would follow his motion up by proposing the appointment of a committee to inquire into the nature of the education bestowed at Maynooth College. He should be sorry to say anything calculated to give offence to the Roman Catholic priesthood, but he could not help saying that, on all public occasions, that body of men did pursue a line of conduct characterised by the most unjustifiable violence; and as to the political views of the Roman Catholic priests, he could only say, that it appeared to him they were all, without exception, repealers. The education obtained at Maynooth College kept the Roman Catholic clergymen in a base, bigoted, and degraded state of mind, and he could wish to see that system rectified. He had voted against this grant, miserable as the noble Lord (Morpeth) had described it to be, not because it was destined for the use of Roman Catholics, but because it was misapplied. What Ireland wanted at present was a firm, impartial Government, a Government which would enforce the laws, but in doing so would act with mercy—a Government which would show impartiality in its political appointments, and which would not bestow office according to a man's religion or politics. If there had been partiality shown before the present Government came into office by the Tories, that partiality had increased ten-fold of late, and it was to that evil he attributed a great portion of the evils which now surrounded the Government of that country.

Leave given to bring in the bill.

HOUSE OF COMMONS,

Wednesday, March 3, 1841.

MINUTES.] Bill. Read a first time:—Right of Voting. Petitions presented. By Sir R. Peel, Mr. Hutton, Mr. Plumtre, Mr. G. Wood, Mr. Kelly, Colonel Rawdon, and others, from Glasgow, Kent, Dublin, Chelsea, Manchester, and several other places, in favour of the Copyright of Designs Bill.—By Mr. C. Villiers, Mr. Gisborne, and others, from Manchester, and other places, against the Copyright of Designs Bill.—By Mr. Denison, from several places in Surrey, for Church Extension.—By Lord Clements, from Kilcomer, for Lord Morpeth's, and against Lord Stanley's Registration Bill.—By Lord Stanley, from the county of Cork, and from the Grand Jury of the county of Roscommon, in favour of his Bill, and against any alteration in the Qualification.—By Lord Cas-

tiereagh, from two Presbyteries in the county of Down, for the Repeal of the Act of Anne, regulating the Patronage of the Church of Scotland.—By Mr. R. Palmer, from Berkshire, against provisions of the Poor-law Continuance Bill.

COPYRIGHT OF DESIGNS.] Mr. *Emerson Tennent* rose to move the second reading of the Copyright of Designs Bill. Having reason to believe that the opinion of the Government was in favour of some measure being passed, having for its object the extension of the present term of copyright for designs, he should do no more than move that the bill which he had had the honour to introduce be now read a second time.

Mr. *Williams* had been a member on the committee to inquire into the subject of copyright in designs, and had paid the greatest possible attention to the proceedings of that committee. The present law affecting that subject had been in existence for a period exceeding fifty years. There was no branch of manufacture in this country that had been more prosperous, or that had advanced more rapidly than the cotton manufacture; nor was there perhaps a single branch of manufacture which afforded greater profits or advantages to the capitalist. There was not one branch of our manufactures in which larger fortunes were made, or in which greater success attended the application of capital. He thought that before so great a change was proposed, it should be shown that it had now declined in prosperity. When the manufacture was in its infancy, there was a protection of two months extended to the copyright. An application was made for an extension of the term, and the Parliament extended the period to three months. As a proof of the extraordinary progress which had been made by this branch of our manufactures, he would state that the products in 1800 amounted to 32,800,000 yards; in 1814, to 124,600,000 yards; and in 1830, to 347,400,000 yards. Up to the last mentioned period the exact quantity produced could be ascertained by the duty, which was then levied upon the calicoes. The trade still progressed as rapidly as at any former period. The smallest estimate gave 420,000,000 yards, or 3,000,000 of pieces as the present production of the trade. As so large an amount of capital was invested in this trade, the evidence which had been given before the commit-

tee by gentlemen who were deeply interested in the matter ought to be carefully weighed before the House ventured upon the change proposed by the hon. Member for Belfast. As he had stated on a former occasion the cotton trade having been the means of increasing the wealth of the persons belonging to it, many of them had at all times been Members of that House, and had been looked up to as authorities on the commercial affairs of the country. They were persons who were much more likely to understand the real interests of the trade than the hon. Member for Belfast, or any other person totally unconnected with trade of any kind. If those individuals had thought that this branch of manufacture would have been benefitted by the extension of the copyright, and had stated their opinions, Parliament would in all probability have adopted their suggestion. But no such proposition had been made during a period of fifty years, with the exception of some twenty years ago, when a bill passed the House of Commons, without inquiry, and was sent up to the House of Lords. There a committee was appointed, and the result was that the Lords took no proceedings whatever on the bill. When it was considered that the object for effecting this great and important change was, that a few individuals, and a very few, might be enabled to sell very small and circumscribed productions at a higher price, and thereby get a larger profit, he thought the House would hesitate before it effected so great a change. What was the property in respect of which an extension of the copyright was sought? It had been admitted by all the witnesses, both for and against the measure, that the patterns now produced were taken from old patterns, and so great was the quantity of patterns produced that it had been estimated the number produced in Manchester alone amounted to 520,000 a year. It had been computed that 30,000,000 of patterns had been produced, which embraced almost every object, device and form which the imagination of man or the objects of natural production could suggest. It had been proved, almost without exception, by every witness, that the only resource for forming new and original patterns was the old patterns. The late boroughreeve of Manchester, who had been thirty years in the trade, and pro-

duced 3,000 patterns every year, had stated to the committee that during his experience of thirty years he had not seen two patterns which he could call original patterns. It was stated by several witnesses that they did not know what an original pattern was, or what a copy was, so intimately interwoven were the new patterns with the ideas taken from patterns formerly in existence. If the change that was now sought to be made were effected, it would inflict a most severe blow upon an important branch of the trade of this country, and would give a great encouragement to persons engaged in the same trade in foreign countries. When so many branches of our manufactures were at the present moment in a state of great suffering, and this being a branch that was peculiarly exempt from that suffering, it ought to be the very last upon which so great and extensive an experiment should be made. What pretence was there for making so great a change as now proposed in a law that had existed for fifty years, upon a matter which, in reality, was everybody's property, and which in point of value was a mere nothing. Most of the witnesses for and against the bill stated the cost of the patterns, which it appeared averaged from 5s. to 8s., and their expense was only $\frac{1}{4}$ d. to $\frac{3}{4}$ d. per piece. One gentleman, a very small producer, who was principally employed in copying French patterns, stated that he paid 25s., and that was the highest sum known to have been paid. Now, for things of so little value in themselves, and which were not original conceptions, he contended it was quite unnecessary to introduce so great a change. One of the first consequences of the bill would be, that it would produce endless litigation. Under the law, as it now stood, there were means of redress for persons suffering from infringements of their copyright, either by an action at law to recover damages, or by proceedings in a court of equity. During fifty years only one action at law had been commenced, and there had been only one proceeding in the court of equity. He would presently state what was the result of the latter proceeding. But the impossibility, as it had been stated by most of the witnesses, of ascertaining what a copy was, or to whom the patterns called original belonged, would throw so many difficulties in the way of proceeding

in the trade, and would occasion so much litigation, as to create the most detrimental consequences to the general character of the trade. One gentleman who was brought before the committee as one of the principal witnesses in favour of the bill, having some patterns shown to him, was asked,

“Should you say that one of these is a copy of the other?” (His answer was), “I should say that, under certain circumstances, it was, and under other circumstances it was not.”

Now, he should like to know, if such a statement as this could be made by a practical man, how it was possible for an ordinary man to tell a copy from an original. Having other patterns shown to him, the witness was asked,

“Should you say that one of these is a copy of the other?” (His answer was), “They are both taken from the same designs; but I think it hardly a fair question to require me to give an opinion upon, because I know, if the two were put together, one person may give an opinion one way, and another person another way.”

Another gentleman, Mr. Lee, a magistrate of Manchester, who produced annually 700,000 pieces, measuring upwards of 11,000 miles, stated that he did not know what a copy was; that the trade did not know it, and waited to be informed on that point. Another gentleman, Mr. Kershaw, whose productions amounted to one million of pieces a year, and who is a gentleman of high respectability, and a magistrate of Manchester, expressed an opinion precisely in accordance with the opinion of Mr. Lee. Mr. Ross, a practical designer, and one of the best description of calico-printers, expressed a similar opinion, and he further stated that there was very little real originality existing in patterns. Now, although there was a law that gave three months' protection to those patterns, yet the producers of designs had never availed themselves of that protection, and they had stated in their evidence that they believed the majority of those persons engaged in the calico printing trade had never protected their patterns. And why? They stated distinctly that they considered a moderate profit to be the best protection they could have. It was also the opinion of those gentlemen that those who sought increased protection could have no other object in view but an increase of profit, and the sale of their productions to the public at a higher price than they could

now obtain for them. It was a most remarkable circumstance, that the gentlemen who were opposed to this measure—two of them at least state, that they never copied any man's pattern in their lives; and another stated, that he had never copied any pattern before the term of the copyright had expired, and even then, not one in a hundred. And yet many of those gentlemen who were in favour of the extension of the copyright were copyists of French patterns. What did the gentlemen whose evidence he had referred to say, as to the extent of copying which now existed? The right hon. Baronet, the Member for Tamworth, had presented a petition from the Chamber of Commerce in Glasgow. A gentleman was examined before the Committee of the House of Commons, who he believed was one of the largest calico-printers in Glasgow, and a highly respectable man (Mr. Galbreath). He produced 200,000 pieces a year from his own patterns, and in answer to a question, he said,

“I do not know that I ever knew any of my patterns copied. I have seen none, but have heard of one or two.”

Now, this was pretty strong evidence that Scotland, at any rate, was almost entirely exempt from that system of copying which it was the object of the bill to put a stop to. Another gentleman, who was one of the principal witnesses in favour of the measure (Mr. Lockett) stated, that there was in general no advantage in copying prints. He said that he engraved fifty patterns a week, and that he could only mention one instance of those patterns having been copied. That gentleman also made the following remarkable statement in his evidence; he said that

“Novelty was the grand attraction, that it would at all times command a preference of sale, though not always of price.”

While the House had such evidence as this before them, to disprove the existence of any extensive system of copying such as could be injurious to the trade—coming, too, from parties who were favourable to an extended copyright, he hoped they would pause before they sanctioned the bill. It was the opinion of those gentlemen who were unfavourable to the passing of the measure, that if it were to be enforced there would be no end to litigation. Mr. Koe, an eminent Chancery barrister, was one of the parties examined. He

stated that on the single occasion in which proceedings in Chancery were instituted, to obtain redress for the copying of a pattern, Lord Chancellor Lyndhurst said, when the copy and original pattern were shown to him, that he could see no difference between them, and that he must send it to a jury to decide which was the original. Mr. Koe also stated that the proceedings in Chancery in such a case were these:—a bill was filed and the answer put in, and in about two years after the cause would be heard. On being asked,

“Why do you say two years?” (he answered), “Because it was about two years, according to the present state of proceedings in Chancery, after a cause was set down to be heard before it could be brought on for a hearing; then upon the hearing of the cause, reference was made to the master to take an account. That might be much contested in the master’s office, or it might be twelve or eighteen months before the account could be taken. When the account had been taken, then the cause was to be set down to be heard again, and it might be a year or a year and a half, before it could be heard a second time. All this was independent of any proceedings that might be taken in case the parties should be dissatisfied with the manner in which the account in the master’s office had been taken; for if exceptions were taken, that would delay the ultimate period in which the party claiming the pattern could obtain redress.”

Another question was asked Mr. Koe:—

“Do you think it is a just state of the law, that parties cannot resort to law on account of the extreme difficulties which lie in the way of obtaining justice?” (The answer was), “I think it is most unjust, and a great reproach to the Legislature.” (He was asked), “Do you think it an expedient course for this committee to recommend that causes should be restricted to local courts in cases arising out of the law of copyright respecting printing calicoes?” (He replied), “I think, with great deference to the committee, that it is their duty when conferring a right on parties to ascertain whether the tribunal existing was adapted to protect that right.”

The same witness also stated, that in his opinion, the courts of law and equity were not so constituted as to give an adequate remedy in suits where the matter in dispute was of small amount. He would just read to the House one more document. It was a letter from the attorney engaged in the only Chancery suit that had been instituted respecting copyright in designs. The hon. Member read the following letter:—

Manchester, 21st March, 1840.

Dear Sir—In respect to your inquiry as to the case in Chancery, of ‘*Sheriff v. Coates and Glendinning*,’ I beg to refer you to the report of that case in 1 Russell and Mylne, 159, when it was heard before the Lord Chancellor Lyndhurst, and as the solicitor for the defendants, I attended the argument, I think, only the first day, when it was adjourned for three days, and I was obliged to return home. It had previously been heard before the Vice-Chancellor, who continued the injunction, and the Lord Chancellor directed an issue. My clients were wearied out by these heavy proceedings, and paid a sum of money to put an end to litigation on so worthless a subject, though I had a very strong opinion, that I could establish by clear evidence, that the pattern was not an original invention. I think there were five separate bills for injunctions for the alleged piracy of as many patterns of very worthless and fugitive designs, as Sir Charles Wetherell very truly described them to be. The Lord Chancellor called them very ugly, and I think my witnesses stated, that they were not worth 20s. each. The bottled fly, I think it was called, was stated to be something like fifty years old, but trimmed up a little and called a new pattern, though as old as any in the trade. You know very well what Chancery proceedings are; the machinery of that honourable Court is too cumbersome for the discussion of fugitive patterns, value 20s. or anything like it. My clients’ expenses were near 900*l.* in this affair, and I think the other side must have expended nearly as much. The hearing before Lord Lyndhurst was in January, 1830.

“I remain, dear Sir, yours truly,

“GEORGE HATFIELD.

“To Thomas Wheeler, Esq., solicitor,
Manchester.”

He thought, that as the penalties for infringing copyrights under the bill proposed by the hon. Member for Belfast, were intended to be as stringent as those imposed by the present law, the House would perceive, that to take any measure, that would lead to increased litigation, under the circumstances such as Mr. Koe and this respectable solicitor had described, would be most injurious to the trade. It was important, also, that the House should bear in mind, that almost without exception, the witnesses examined before the committee, whether favourable or adverse to the bill, admitted, that the practice of copying original patterns had greatly diminished, and was still diminishing, although many of them denied, that there was any real property in the pattern so copied. Only one witness examined before the committee stated there was any great grievance in this case, and that was

a gentleman of the name of Stirling, who was the manager of the cotton printing concern of the firm of Henry and Co., of Dublin. He complained of their patterns being very extensively copied; but he stated, that Mr. Henry had been engaged in business for twenty years; that during the first ten years nearly the whole of his business was carried on by copying the patterns of other persons; but he had adopted during the last ten years the opposite system of producing his own original patterns; yet, although that gentleman stated, that he got his engravings of those copied patterns done for 5*l.*, whilst the original proprietor of the patterns paid 10*l.*, yet he had abandoned copying altogether, although no man ever charged him with having done what was wrong in copying the patterns as the act did not extend to Ireland. He stated, that when they copied the patterns they sold them at 40*s.* a-piece, or half the price obtained by the original producer, and yet they got at least 20*s.* profit. He thought this gentleman, at least, had very good reason to be satisfied with the present law. Those who were seeking this extension were only actuated by cupidity, and by a desire to get larger profits. A great number of pamphlets had appeared on this subject. The very individuals who had denounced the present system as piracy and robbery, acknowledge that they themselves had been in the habit of copying French patterns. He saw no sufficient reason for making any change in the existing law, where so many great interests were at stake, in order to satisfy the cupidity of any parties. Piracy, robbery, and he knew not how many other hard names had been employed upon the subject, but Mr. Potter had admitted in his evidence that he had himself written lawyer's letters to different parties, as if for the protection of his own designs, when he had himself only copied French patterns. It was a common custom for parties to receive patterns from abroad, to copy them, and then to use and claim them as their own invention and property. But the most important consideration was the disastrous effect which a change of the law would produce upon the foreign trade of the country. A German merchant had stated to the committee that the extension of the present term of copyright would operate entirely in favour of rival countries; another foreign merchant had given evidence

that such an alteration of the law would benefit every produce country but Great Britain. Mr. Lucas, one of the largest exporters, had stated, that if copyright were to be extended, he should not venture to execute any orders, but would at once give up the trade. Others had expressed their belief that it would create high prices—lessen the employment of engravers—but, above all, be most seriously injurious to the foreign trade of this country. The House ought to advert to the fact that manufacturers were at this moment making most rapid advances in France, Belgium, Prussia, Germany, Russia, and the United States; in many articles they were able to compete with, and in several to undersell us. Into France, Belgium, and Prussia our most improved machinery was introduced, and, from the advantages they possessed of lower wages, cheaper provisions, and lighter taxation, the time might not be very distant when Great Britain would be exposed to a most desperate struggle for superiority. Several competent witnesses had stated, that, if this bill passed, and its provisions were carried into effect, patterns of the greatest beauty and merit would be copied by foreign countries, while they could not be imitated here; and encouragement would be afforded to foreign manufactures, to the depression of our own. He trusted, that what he had already said would be sufficient to induce the House to pause before it adopted the measure of the hon. Member for Belfast. He was in possession of documents which showed the alarming progress of this trade in the United States. Twenty-five years ago it was unknown, and yet in 1839, not fewer than 100,000,000 of yards of calico had been printed, of the value of 2½ millions sterling. Not long since, the United States were supplied exclusively from this country, but of late the export trade to that part of the world had been so reduced, that in 1839 it consisted of only between 800,000 and 900,000 pieces. True it was that schools of design had recently been established in this country, but that course ought to have been pursued long ago, and had it been pursued, he was confident that we should in no respect have been behind France. In the silk trade there were not less than from fifty to one hundred new patterns in the year, and yet it was remarkable that not twenty designs had been registered under Lord Sydenham's act.

chievous as it was certain and foreseen. Who was to decide on what was a copy, or an imitation? Was it the Lord Chancellor who was to be the judge of what was a copy or not? If they struck out, as had been suggested, the word "imitation," they would get rid of the effect of the prohibition on the copy, for an imitation was a copy; it was not a mere facsimile for which they wanted protection. Who, then, was to say what was an imitation? How could a common jury, unconnected with the cotton trade, decide the question? The difficulty would be immense. The manufacturers of Scotland and Ireland were in favour of the alteration; but the manufacturers of Lancashire, the seat of four-fifths of the trade, though divided, had, he believed, a majority against it. After having given the subject the closest consideration—after having conversed with a vast number of persons, who were best acquainted with it, he still retained the impression on his mind, which he communicated, in the first instance, to the President of the Board of Trade, that the community at large, would be more materially injured than a few individuals could possibly be benefitted by this bill.

Sir Robert Peel believed, that the committee of the last Session, which had inquired into this subject, had been appointed at his own suggestion. He had attended that committee certainly with no prepossession in favour of an extension of the term of copyright, for he had feared that any change might be injurious to our manufactures, which were decidedly in a state of prosperity, and of increasing prosperity; and if his opinions had undergone any change, it was in consequence of the evidence given before that committee. It was not the question now whether there should be any copyright or not. The law had decided, that there should be given a protection for three months, but, in point of fact, that protection had been found to be inefficient, and if it were right to give a protection at all, it was evidently right that protection should be such as would produce some solid advantage to the parties. On account of the shortness of the duration of the privilege, and the delay and expense of defending it, the three months' protection was merely nominal. He did not deny that there were conflicting opinions, which it would be well to regard, when they came to weigh the ex-

tent to which the protection should be increased; but with regard to the second reading of the bill, he thought that such a just claim for additional protection of some kind or other had been made out, that it was impossible to refuse assent to the present step. In the evidence taken before the committee, Mr. Schwabe, a gentleman resident in Manchester, and engaged in calico printing, said, that he drew between 2,000 and 3,000 patterns in a year, of which he selected about 500 patterns. Mr. E. Potter made the same number of designs, of which 250 were engraved, and 300 cut in blocks. Mr. Brooks, out of a like number of designs, had only from 400 to 600 used. So that not more than one in six of the designs actually made were used; and of those selected, only a small portion were successful. These persons having gone to the whole expense of drawing the largest number of designs, having encountered the whole risk of failure, were subject to this inconvenience and loss, that any individual finding which out of the 2,000 or 3,000 designs were likely to be successful, could seize upon the one pattern, and come into the market as a competitor, with equal advantage to the first manufacturer, though the copyer had been at no expense whatever for the design. Nor was the evil limited to the mere piracy, the copyist discredited the superior design, by producing it in an inferior form and substance. Just in the same way, the mawkish imitators of Lord Byron and Walter Scott, had almost disgusted the public with the writings of the original poets, admirable as they were. Our inferiority in point of design was admitted. He was willing to avow, that it was not only in the length of copyright, but in the superior taste for design, that France obtained an advantage over us. But if we exposed the original designer to the injustice he had described, must not that impede our improvement in designs, and the advancement of art and science. He thought that the hon. Gentleman who had last spoken, had made a mistake in opposing this bill, because it would prevent competition, for there was nothing in the bill to prevent persons competing who had other designs. If they extended competition further, they would permit the injustice of allowing one man to avail himself of the superior skill and expense of another. Let the competitor produce other designs of equal merit, but it was

an abuse to enable him to profit by the labour and expenditure of another. It was mainly on account of the injustice to the original designer, made by the present law, and the injury thus inflicted, that he now supported the second reading of this bill. At the same time, he could not conceal from himself the possible effect which the bill might have upon the manufacturers. The strong argument against the bill was, that while we were preventing the copying or imitation of designs in this country, we could not take any precautions to prevent them from being copied in other countries; consequently the English patterns were liable to be copied in Belgium, in France, and in every foreign country where calico printing was introduced; but, at the same time, he must say, that the facility which now existed in England of copying designs had a tendency to lower the character of British manufactures in foreign markets, because parties could copy the design in an inferior form, and pass off that inferior production as the English manufacture. In weighing this bill, therefore, they must set one consideration against another. He would reserve his opinion as to the extent to which additional protection ought to be given; but in discussing now the simple question, whether, there being a copyright that ought to be *bonâ fide* and effectual for the purpose, he thought it ought to be sufficiently extensive to provide that protection. It was a different question to say what period should be assigned to the protections, because, if they made it too long, they would facilitate foreign competition; at the same time, it ought to be made so long now that they should not be required to legislate again. They should make up their minds as to the time which was upon the whole proper, and upon that they ought to legislate.

Mr. Warburton would vote for the second reading of the bill, because he agreed with the right hon. Baronet in the reasonableness of the end proposed—namely, to give reward to the inventor, and, at the same time, to protect the manufacturer. When they came to consider the details of that bill, two great difficulties would arise. One had been already pointed out, namely, the great litigation which it would cause. By not proposing a cheap mode of trying the issue they lost the object for which the patent was granted, for the wealthy manufacturer

would be able to tyrannise over the smaller; the latter would in general be compelled to withdraw from the contest. If, therefore, they did not provide a cheap and expeditious Court, before which the parties could go, they really did nothing; and unless he saw such a remedy provided, he should oppose the bill of the hon. Gentleman in all its subsequent stages. But another difficulty arose out of the very nature of the subject to be protected. This manufacture had existed and been growing for the last forty or fifty years. In the case of chemical or mechanical inventions, they had records of all the originals from time immemorial. But, in the present case, no such records existed. They ought, therefore, to begin by giving one or two years, in order to enable parties to register all patterns existing, or invented in past time, so that it might always be ascertained whether any particular pattern was or was not original. The case was the same as if they were then, for the first time, seeking to establish patents for chemical and mechanical inventions, without having any record of what had been already done. The greatest difficulty, therefore, in the present case, arose out of the subject to which it was proposed to give patent rights. They had no record of the inventions for the last forty or fifty years. How then was the claim of the alleged inventor to be established? There should be a record to which the judges could refer in case of dispute. But there was yet another difficulty arising out of this bill. Whilst it prohibited English manufacturers in this country from copying a foreign, there was nothing to prohibit a foreign manufacturer from copying an English patent. It appeared to him indispensable, in order to carry out the principle, that there should be an international copyright. He would, on another occasion, examine separately the clauses of the right hon. Gentleman's bill, but it appeared to him that the difficulties which he had stated deserved the consideration of the House: he stated that the principle had been already conceded, and, therefore, that they ought not to resist going into Committee. He did not resist their going into Committee, but he should not admit the force of the right hon. Baronet's arguments, because the right hon. Baronet had in the next sentence admitted that the present measure was wholly inoperative.

Lord Francis Egerton said, that not anticipating, after the speeches of the right hon. Gentleman opposite, (Mr. Shell) and of the right hon. Baronet near him (Sir R. Peel) that there would be any opposition to the second reading of this bill, he would not detain the House by entering into any details, which would be better considered in Committee. He had only one observation to make. The hon. Gentleman, the Member for Manchester, said that he believed the manufacturers of Scotland and of Ireland were generally favourable to this measure, but of the county of Lancaster the hon. Member spoke in such a manner as to leave the House under the impression that the manufacturers of Lancashire was unanimous in opposition to this bill. He was perfectly certain that the hon. Gentleman did not mean to convey that impression, because he believed that the case in the county which he had the honour to represent stood thus—that a majority in numbers as well as in the quantity of manufactures were ranged in support of the measure, not in all its details, but they agreed to the principle of making the copyright an effectual protection for some enlarged time or other, which all admitted did not exist under the present law.

Mr. Greg explained that he had not said that four-fifths of the manufacturers resident in Lancashire were opposed to the measure; he believed that they were pretty evenly divided in opinion, but that upon the whole a majority were averse to any alteration.

Mr. Labouchere, in supporting the second reading of the present bill, must be understood that he was merely expressing an opinion that the present period of copyright for designs should be in some degree extended. It was impossible to consider the evidence taken before the committee of last year, or the statements of persons connected with the trade, without coming to the conclusion that great injustice was done to those who were possessed of a valuable copyright, and which was not fair towards those who had paid for the designs at a great expense; but that it also inflicted a great practical injury to the manufacturers of this country, because it rendered it impossible for us to give encouragement to the property of a class of men whose interest was inseparably connected with the manufactures of this coun-

try—he meant the designers. He could not but think that it had been shown that the present state of the law was such as to discourage those parties, and to make us inferior in points of design. We had recently established schools of design, and he held that it was the duty of the Government to extend the principle which had been adopted by the House, and to give every encouragement to the Government school; but he believed, that unless they gave additional protection to designers, the schools would be of little use; they could not expect any great good unless they gave protection to men who had qualified themselves by an expensive education, and could find their only remuneration in the copyright. For these reasons he was prepared to consider the subject; but, on the other hand, he could not be indifferent to the state of our commerce, and to the effect which any rash measure might have upon that mainstay of our manufactures, the export trade; because it was on the cheapness and on the quantity, rather than the quality, of our manufactures, that their main prosperity rested. And he was the more jealous of not doing any injury to that trade by giving an unnecessary extension to the protection that now existed to the copyright, because the hon. Member for Manchester had stated, correctly he believed, that in Lancashire, the great seat of these manufactures, the manufacturers were pretty evenly divided in opinion upon the propriety of a change, but that upon the whole the majority were averse to it. And he knew not only that interests were divided upon it, but that partners in the same firm, and whose interests were identical, had come to extremely opposite opinions. Upon the whole, therefore, he believed that the House would do well to err rather on the side of not extending the copyright too much, because he could not agree in the doctrine laid down by the right hon. Gentleman opposite, that they should legislate finally now; he thought that this was peculiarly a subject upon which they might come back and make any alteration by way of extension which future experience should prove to be right; whilst, on the other hand, if they did anything that should check our export trade, the market would be gone, and they could not so easily reconsider their steps. He was, therefore, unwilling to extend the period of copyright beyond six

months. He admitted that there would be great difficulties in carrying the principle into effect, and he agreed that the details of the bill would require close attention and consideration; but the department with which he was connected would give its best assistance, and he thought in this case, as in many others, the ingenuity of his hon. Friend the Member for Bridport had been rather a trap for his judgment. He hoped that the bill might be made useful to the community, advantageous to a meritorious class of persons in this country, and unproductive of any injurious results.

Mr. *Hume* was sorry to hear in the speech of the right hon. Member such language as Government protecting commerce or encouraging trade, because he thought that every reasonable man, looking at the evils which had been produced by protection, and knowing that it in all cases meant the support of the few at the expense of the many, would be at a loss to find the ground on which the right hon. Gentleman had come to his present conclusion. Why, he would ask, were the people of England inferior to the French in works of design? It was natural that it should be so, for their people were used from their infancy to the study of pictures and statues, while our population were refused admission into Westminster Abbey or the Royal Academy without putting their hand into their pocket. The poor could not do this, and the consequence was they were shut out from all chance of improving their taste. Should we, then, complain of our inferiority in producing designs for those fabrics when we shut out from all means of improving their taste the middling as well as the lower classes of the community. He would state one fact to the House, in order to show how little attention had been paid to this subject. In the committee which sat for the purpose of investigating this question he had asked a witness how many designers there were in the town of Coventry, and he replied but one. We were looking, then, for a remedy to a wrong quarter. Every time it had been attempted to foster manufactures by protection that attempt failed more or less. The system of protection, or monopoly, never was attended with any successful result. He particularly remembered one instance which struck him as remarkable. An Act of Parliament had been passed to

encourage the use of buckles, and in less than five years after the passing of that Act the use of buckles had altogether ceased. The President of the Board of Trade had rightly stated, that it was quantity more than anything else which extended over the calico trade, and that arose from the circumstance of the three months protection being a dead letter. It was on that account that our manufactures prospered to so great an extent as they had. If a real protection existed from the period at which it was intended to give it to calico manufactures, he had no hesitation in saying that we never would have commanded the extensive foreign trade which we now possessed. Was it to be supposed that the employment and support of the immense number of persons who were engaged in our manufactures were to be risked by the adoption of a measure, the only object of which was to secure the advantages of superior skill to certain individuals? He conceived they were not; and further, he thought that by sanctioning such a bill they would do nothing towards procuring that superior skill, unless they first gave the people the means of acquiring and appreciating it, by enabling them to improve their tastes by the free inspection of all those works of art, which was a means best calculated to produce such an end. The national advantage was all that should be looked to, and the principle of the procurement of that advantage was that which he advocated. He had heard the declaration of his hon. Friend the Member for Bridport with much regret. His hon. Friend had described many of the evil consequences which would arise upon the bill, but then he had declared his intention to vote in favour of it. For his own part, he could not distinguish between copyright of design and copyright of books, and the effect of both was to give an advantage to the few against the many. After the noble example of untiring energy and zeal which his hon. Friend had exhibited in defeating the measures for the extension of the copyright in books, he was astonished not a little to hear him support the second reading of the bill then before the House. He had hoped to hear the right hon. Gentleman stand up and say, that the three months' protection had done harm, and that the whole system should be freed of such a difficulty. He concurred with the hon. Member for Manches-

ter in all the facts which he had brought forward against the bill. Although he was not connected with the manufacturing interest, he would oppose the principle upon which the present measure was based. Let those who supported monopoly vote for this bill. He, on principle, should vote against it, and he sincerely trusted that the House would not, through mistake, retrace their steps, and again countenance a system of protection which had been already found to be so injurious in its effects.

Mr. *Ewart* said, he believed, that in the committee the principle of extending copyright was agreed to by only a majority of one. [*No, no.*]

Mr. *E. Tennent* had been appealed to, and he could assure the hon. Member that the decision was come to by a majority of six to three.

Mr. *Ewart* believed, that the real principle was decided by the casting vote of the Chairman. He was opposed to the bill, because he feared that if it became the law of the land they would shut themselves out from being the great suppliers of the world. He was of opinion, with the hon. Member for Kilkenny, that superiority of design was not to be procured from the adoption of a system of copyright, but that such an object was to be looked for rather from the improved taste of the people, and also from the superior taste of the producer, which would be the result of the altered opinion of the community. He confessed, that he had the greatest scepticism on the subject of protection. He thought, that the designs, however ingeniously constructed, would be copied as ingeniously, and, at the same time, with so much difference as to prevent their falling within the provision of the law. The whole question, he thought, should be taken into consideration, and the House should not confine its attention to any particular part of the inquiry. With regard to the question of the extent of the copyright, he must say, that after due deliberation he had decided in favour of the shorter term; and he could not alter the opinion which he had formed, unless very good reasons were given to induce him to do so. He admitted, that much praise was due to the hon. Member for Belfast for the manner in which he had brought the subject before the House, but he could not vote for his bill in its present shape.

Mr. *Godson* wished to set the hon. Member right as to the decision of the committee, in favour of the extension of copyright. The resolution was carried out by a majority of one but of seven to one.

Mr. *Muntz* was surprised to hear from the hon. Member for Manchester, that the protection was useless to the inventors, whereas the fact was, that the most enterprising manufacturers in the country owed all their wealth to the protection, such as it was, that the present law afforded to them. He would support the bill, because he thought it was both just and prudent for the Legislature to give that degree of perfection which would induce ingenious men to devote their time to the invention of designs.

Mr. *E. Tennent* would not occupy the time of the House by discussing the principle of the bill on this occasion. He would be happy to avail himself of the offer of the Vice-president of the Board of Trade, and to make, with the right hon. Gentlemen's assistance, the provisions of the measure as perfect and comprehensive as possible.

Amendment withdrawn. Bill read a second time.

Mr. *E. Tennent* said, that the amendments suggested by the Vice-President of the Board of Trade, would require much consideration, and he should, therefore, move the committal of the bill *pro formâ* on Friday night next, when he would give notice of his further intentions respecting the promotion of the measure.

To be committed on Friday.

CONSTABULARY.] Mr. *T. L. Hodges* moved, that the House resolve itself into committee on the constabulary bill. In the present unsatisfactory state of the law respecting the constabulary force in the rural districts, notwithstanding the legislation of last Session and that which preceded it, he had been induced to bring forward this bill, and he would now state the general objects which it had in view to the House. His first proposition was, to take away from the magistrates at petty sessions all power of determining any scale of allowances of any sort, and also to take from them the power of making appointments, and to refer these two points solely to the magistrates assembled at quarter sessions. It was to be observed, that it was not his wish that the number of constables

should in any way be diminished, because he thought that they were not now too numerous. Another object which he had in view was, to enable the magistrates at quarter sessions, upon application made to the Secretary of State, and leave granted, to appoint a head constable in any district in which it should appear that his services were necessary; and he conceived, that none of these propositions would in any manner clash with the provisions of the Rural Police Act. The 41st clause distinctly provided that the bill should not have effect in any county where the rural police had been already established. It was notorious, that county after county had rejected the rural police, and if the constabulary force could be made as efficient, and at less expense, he saw no reason why it should not be adopted in preference to such a body. The bill was now before the House, and he trusted, that he should secure its assent to the principles which it proposed to carry out.

Mr. *F. Maule* said, the hon. Gentleman who had made this motion would understand that the opposition which he should now give was that which, but for the arrangement that had been entered into, would have been offered at the second reading of the bill. He gave the hon. Member full credit for the motives with which he had brought this bill forward. He was aware, that it was with no desire to throw difficulties in the way of Government, which he in general supported, but that he thought he was conferring a great benefit on the country generally, and more especially upon that locality in which he resided. But with all respect for the hon. Member, he must say, that he was mistaken in his views. The subject had already been legislated upon, as he believed, effectively. In 1839, a measure was brought in, and passed, for improving the constabulary force of the country. And in 1840 another bill was introduced, under the auspices of the Government, which, after much consideration, was passed into a law. By this latter bill a very considerable improvement was effected in the old system, as it existed previous to the act of 1839, and it also improved the act of 1839. The hon. Member's bill provided for the appointment of special constables. But this was already provided for by the act of 1840, which permitted the appointment of special constables for

special circumstances. The great complaint of the bill of 1839 was, the expense that it entailed on the counties, but that objection had been in a great measure obviated by clauses that had been introduced into the measure of 1840, at the suggestion of the right hon. Baronet the Member for Tamworth. He (Mr. Fox Maule) anticipated the greatest advantage from the acts of 1839 and 1840, to those counties that adopted them, for although there might be some increase in the county-rate for a time, he was quite convinced that in the end the greater security to property which would result would far more than compensate for the increase in expense. The bill of the hon. Member (Mr. L. Hodges), if passed into a law, would prevent the adoption of the acts of 1839 and 1840. The hon. Member said, he had no intention to repeal the existing act, but the passing of this bill would practically have that effect; and what he more particularly complained of was, that the mere fact of the introduction of this measure deterred counties, that would otherwise adopt the acts of 1839 and 1840, from incurring the expense necessary for that purpose. The hon. Member for West Kent (Mr. L. Hodges), had introduced a provision into his bill, empowering the magistrates to appoint a chief constable, who was to be responsible for the conduct of the constables under him; he thought the central superintendence provided by the existing act far preferable; the existing act insured uniformity, whereas, under the bill of the hon. Member, each county and each district would have a separate set of rules. He would conclude by moving as an amendment to the motion, that the House do resolve itself into the said committee on that day six months.

Mr. *Miles* regretted that the Government had thought proper to oppose this bill, which, in his opinion, contained many admirable provisions. The act now in operation had been passed without that consideration which such a measure ought to have received, it having been passed at a period of the Session when those hon. Members who were most conversant with county business were absent on other business. In many places where the act had been adopted the rates had been increased one-third. This increase was more particularly apparent in the counties of Gloucester and Wilts; in the former of which

the average of the county-rates for the last three years was 11,377*l.* 9*s.* 6*d.*, and since the establishment of the new system they had increased to 15,962*l.* In Wilts the average for the three years was 10,131*l.*, and since the adoption of the present act they had amounted to 11,694*l.* 10*s.* In Hants and other counties wherein the act had been adopted the same result had followed. He should not object to the Government system if the hon. Gentleman, the Under Secretary, would allow a certain number of superintendents to be appointed over the several divisions or districts, and then take this bill into consideration, together with, and as it were *pari passu* with the Government measure, and this he thought would lead to the establishment of an efficient constabulary force.

Mr. *Gisborne* believed no one would deny that the old constabulary force was quite inefficient, and that the new rural police had conferred great benefits on the districts where it had been introduced. He thought the adoption of the present bill would lead to great confusion, and prevent the carrying out of the general act, which had not yet been sufficiently tried to justify the House in interfering with its operation. It would be most unwise to hold out this bill to the country, as a dissuasion from adopting the provisions of the Constabulary Bill.

General *Johnson* considered the act now in operation a most unconstitutional measure, and wished the House would allow the present bill, which would in some measure improve it, to be considered in committee.

Mr. *Rice* said, he objected not only to the provisions of the present bill, but to the delay which it would cause in the adoption of a more efficient and better measure. The powers proposed to be given to the magistrates in petty sessions were highly objectionable.

Mr. *T. Egerton* supported the bill, because it was founded on principles which had worked extremely well for several years in the county which he had the honour to represent. The House ought to have an opportunity of considering the bill in committee, where any suggestions for its amendment might be taken into consideration.

Mr. *Ayshford Sanford* objected to the bill going into committee, because he saw no reason whatever for the introduction of such a measure.

Mr. *Bruges* supported the bill, on the ground that it carried out many desirable points, applicable to various counties, which the former act did not comprehend.

Mr. *E. Turner* supported the bill, and hoped it would be carried in committee, because it gave a just and legitimate influence to the magistracy of the country.

The House divided: Ayes 36; Noes 58; Majority 22.

[FOR LIST OF DIVISION, see APPENDIX, No. 2.]

PUNISHMENT OF DEATH.] Mr. *F. Kelly* said, that finding it would be inconvenient to discuss this bill that evening, he would, with the permission of the House, move the second reading, and if that motion should be acceded to, he would then name a day for going into committee, when the discussion on the principle of the bill might take place.

Bill read a second time, to be committed on the 17th.

COUNTY COURTS (*ADVANCE FROM CONSOLIDATED FUND.*)] Mr. *F. Maule* in moving that the House go into a committee of the whole House, stated that the object of the resolution which he was about to propose in connection with the County Courts Bill, was to provide against a contingency which might by possibility arise. The resolution was necessary in order to enable the Government to pay the salaries to the judges of these courts, if there should happen to be a deficiency of fees for that purpose. It was not apprehended that there would be any occasion to act upon this clause, because it was hoped that there would be more than ample funds to discharge their demands.

Colonel *Sibthorp* said, he had always heard a great deal said by Whigs, as to the expectation that no money would be wanting to pay salaries; but he thought the House should know from what resources they were to draw these monies. He liked to see what was in the purse, before he assented to a proposition of expenditure of any kind. He hoped the hon. Member for Kilkenny would practise a little of his favourite doctrine now.

Mr. *Hume* said, the hon. and gallant Member pretended a good deal about economy, but did not mean quite so much. He was ready to practise it whenever he could do so with justice; but at present there was no difficulty, for there was no money to be raised now; but they were

now called upon to agree to a resolution, pledging the House to provide as much of the salaries as the fees might not supply; though he did not think the House would be called upon for a single farthing. He was, however, desirous to know to what extent the proposed courts would have jurisdiction, and what the salaries of the judges would be. When the question came before committee, he should consider the station of the judges, the duties they would have to execute, and the stipends they were to get.

Mr. *F. Maule*, in reply to the hon. Member, stated, that the amount of debt to which the courts would be allowed to adjudicate would not exceed 20*l.*, and the salaries of the judges would not exceed 1,500*l.* in any case; and even a judge should not have so much except his whole time would be occupied.

The House then went into committee.

Mr. *F. Maule* moved, that provision should be made out of the consolidated fund of the United Kingdom to meet any deficiency that might arise in the funds applicable to the payment of expenses of County Courts, to be created by a bill in the present Session of Parliament.

Resolution agreed to.

The House resumed.

The report to be brought up on Friday.

Adjourned.

HOUSE OF LORDS,

Thursday, March 4, 1841.

MINUTES.] Petitions presented. By the Duke of Richmond, from Croydon, against the Vaccination Bill.—By the Earl of Minto, and the Marquess of Normanby, from Roxburgh, and Nairn, for the Abolition of Lay Patronage.—By the Marquess of Normanby, from Liskeard, for Medical Reform.

CANADA — SEMINARY OF ST. SULPICE.] The Bishop of *Exeter*, in rising to present the petition of which he had given notice, said, he thought it would, perhaps, be convenient to their Lordships, considering the peculiar circumstances of the case, if he entered somewhat at length into the merits of the subject as they appeared in the petition. His reason for thinking that this would be the more convenient course was, that as he should that evening only move, that the petition do lie upon the Table, an opportunity would thereby be afforded to their Lordships to consider the case more fully before a motion were made for any ulterior proceedings on the part of their Lordships' House.

The petition with which he was charged was one of no ordinary importance; it was one, too, of rather a singular character in itself, for it prayed their Lordships that they would interpose with their advice, and address the Crown not to give its sanction to an ordinance which had been passed by the Governor-general of Canada, with the advice of his Special Council. He believed, that this was the first instance in which such a petition had ever been presented to their Lordships; but, singular as the petition was, he thought that the occasion fully justified the singularity; for it appeared to him, that the occasion which gave rise to the petition was far more singular than the petition itself. Her Majesty's Ministers had, within the last few days, laid upon the Table of the House—and he thought their Lordships were much obliged to them for so doing—certain despatches and other papers to aid the House in its deliberations upon this subject. The first of the papers so laid before the House was a despatch of the Governor-general of Canada, of the 20th of January of the present year, in which the Governor-general enclosed a list of the persons who had enfranchised their property under the ordinance passed by him, in Special Council, last June, by virtue of the 2nd & 3rd of Victoria, cap. 53. In that despatch the Governor-general thus expressed himself:—

“I am happy to say that all excitement on the subject has now subsided, and I can conceive no probability of its being renewed, except it were that there was a probability of the ordinance being interfered with in England. How little such an interference would accord with the interests or wishes of those who last year petitioned the Crown, your Lordship will easily understand from perusing the enclosed list.”

Then followed a list of the proprietors who had enfranchised their land; and amongst them were some of the petitioners to their Lordships' House. Now, so far was he from thinking that this indicated any disposition on the part of those persons to assent to the measure, that he could see in it only a proof of their great moderation. These petitioners did not approach their Lordships' House with any view to induce their Lordships to interfere in such a manner as to prevent the passing of an ordinance to put an end to feudal tenures by a composition, which they as proprietors were to pay. That

was not the hope of the petitioners; their prayer was, that their Lordships would interpose to prevent far greater evils than any of a mere pecuniary nature; and it would presently be his duty to state to their Lordships what these far greater evils were; what the opinions of the petitioners regarding them were, and what also were his own views in reference to them. Independently of the despatch of the 20th January, 1841, there had also been laid upon the Table a despatch of the 28th June, 1840, a long and rather an elaborate despatch, professing to give much information upon the subject, both as to the mode in which the ordinance had passed, and as to the character and motives of the petitioners. In reference to that despatch, so laid upon their Lordships' Table, he thought he should not be transgressing the rules of propriety if he placed before their Lordships some statements a little at variance with the facts set forth by the Governor-general. The tone in which the Governor-general had spoken of the petitioners, as to the mode in which they had conducted themselves, rather called upon them to justify themselves in their Lordships' eyes; and it happened that before their deputation left this country last year, they put into his (the Bishop of Exeter's) hands certain statements which he should not have considered it necessary to bring under their Lordships' notice but for the production of the despatch to which he was alluding. The first point connected with that despatch to which he begged to call their Lordships' attention, was contained in the very first paragraph, in which the Governor-general said, "I accordingly sent down to the special council on the 30th ult. a draft of the ordinance for that purpose, which, after the fullest discussion was passed." This expression, "the fullest discussion," was rather equivocal: although it implied a discussion that was "very full," it did not imply a discussion forwarded on the fullest information, and unless that were supplied the "fullest discussion," might not mean "the fairest discussion." Now, he was authorised to state, that when a motion was made in the Special Council that there should be laid before them, to assist them in their deliberations, and to enable them to have not only the "fullest" but the "fairest" discussion—information of all that had passed between the seminary of St. Sul-

pice, the body most interested in the subject, and the Government—and when they asked, also, for the sake of becoming acquainted with the law of the case—for in Canada the council had not the advantage which their Lordships enjoyed, of calling upon the judges to aid their deliberation by explaining points of law—when they asked, from the Governor-general to be put in possession of all the various opinions which during the last fifty years had been given to the Crown upon this question, and when they further asked to be informed of the value of the property thus to be given away to the seminary of St. Sulpice,—for reasons which he (the Bishop of Exeter) had no doubt were very good, because they satisfied the great body of the council, but which he (the Bishop of Exeter) could not venture to guess, all the requests embodied in these motions were peremptorily refused. The discussion, therefore, he repeated, however full, was not founded upon the fullest information. In one other respect the discussion in the Special Council was distinguished by a very novel circumstance. It was no less than this—that the Governor-general himself sat there for the first time. Though such a thing was unheard of before, it was an indisputable fact, that the Governor-general himself presided in the Council during the whole of their discussion in their legislative capacity. He (the Bishop of Exeter) said, that this was new and unheard of, and upon that point he would venture to give their Lordships an authority which he thought they would consider of some weight in this case. It was no other than the authority of the Governor-general of Canada himself. If their Lordships would take the trouble of looking at the despatch from Lord Sydenham, at that time the right hon. Mr. Poulett Thomson, of the 16th of November, 1839, they would find him stating for the information of the Colonial Secretary, that he had appointed the chief justice to preside at the deliberations of the Special Council; and he added this important observation:

"I expect that great advantage will result from the presence of the Chief Justice in Council, and from his presiding over its deliberations, which I find are not carried on in the presence of the Governor-general; and I am happy to say, that this opinion is common to the whole of the council."

He thought, then, that he was justified

in saying, that the presence of the Governor-general in the council on the occasion to which he had referred was singular and unprecedented, even in the estimation of the Governor-general himself, and perhaps he should hardly be going too far if he added, that the presence of the Governor-general on such an occasion was as unfit as it was unprecedented. The Governor-general must of necessity know how the member of the council spoke and voted, and when he considered how the council was composed, the number of Members who held office under the Government, especially remembering the remarkable despatch of Lord John Russell on the tenure of office in the colonies, he could not do otherwise than conclude that this discussion, if the "fullest," could not at any rate be regarded as the "fairest or the freest." The despatch of the 28th of June 1840 further stated, and this was another observation to which he wished to call their Lordships' attention.

"I have every reason to believe, that notwithstanding the clamour raised by a few individuals in this city (Montreal), and the violence of the press, the measure was approved by the moderate men of all parties."

He was extremely sorry to say, if that part of the despatch were strictly accurate that the moderate men of the British party, at least in Montreal, were exceedingly few; for the petition he had now the honour of bringing under their Lordships' notice, was signed by very nearly the whole of the male British population of that city. This petition was drawn up against the ordinance which had appeared in the *Gazette Extraordinary*, and which was expected to be the one intended to be proposed by the Governor-general to the Special Council in June last. The ordinance actually proposed, however, differed from that of the *Gazette Extraordinary* in some not unimportant points. The committee of the petitioners, immediately on the ordinance passing, addressed letters to those gentlemen whom they had deputed to represent them in England, urging them to be not less earnest in pressing forward the petition against the ordinance in the somewhat altered form in which it was proposed. Nor was this all. Immediately after the ordinance passed, a meeting of the petitioners was held in Montreal, at which, indignant at the measure carried against them, they entered

into some strong resolutions. And might he (the Bishop of Exeter) venture to observe that, whatever the strength of the terms employed by the petitioners on such an occasion—an occasion on which, not only the rights of their property, but the far more grave and valuable rights of their religion were involved—it could not be regarded as a matter of surprise that even moderate men, under such circumstances, should be roused to strong expressions? He would now state who the petitioners were. The petition conceived and expressed in terms of pre-eminent calmness and moderation, was signed by above 2,000 of the persons who were described at the head of it as "the undersigned proprietors of real estates, merchants and others, inhabitants of the city of Montreal, in the province of Lower Canada." More than 2,000 of these gentlemen had subscribed the petition, which, however, was sent off without allowing sufficient time for all who wished to sign it, and give in their adherence to it. The British population of Montreal was only 15,000, and as 3,000 of that number were Roman Catholics, there could be counted only 12,000 as the British Protestant population, including men, women, and children. Taking the male population at one half, namely, at 6,000, and reckoning the adults as one half of these, it followed, that the petition being signed by more than 2,000 male adults, for the signatures of females and children had been rigidly excluded, must be taken as representing the views and wishes of a great proportion, two-thirds, of the British Protestant population. But this was not all. He would not dwell upon the fact that the petition was signed by all the Established clergy in the city, and he believed also by all the Dissenting ministers; it could only be expected that the clergy would take such a course, and for that reason he would not press it upon their Lordships' consideration;—but he was anxious to direct attention to the fact, that out of the twenty-four British magistrates of Montreal, the petition had received the signatures of eighteen, and of the remaining six two or three were absent in England, two were members of the special council, and although they avowedly favoured the petition, they declined to attach their names to it. There remained one or two whose names were withheld—withheld, as he (the Bishop of Exeter) was told, not from any

dislike to the petition, but for reasons which they did not give. But even supposing that all who had not signed it were opposed to it, still there would be eighteen out of the twenty-four who came to their Lordships' House to express an earnest prayer that their Lordships would interpose to save them from great calamities not only to themselves, but to the peace and safety of the colony, if this measure of the provincial government were not arrested in its progress. If, however, it should be held, that neither the 2,000 persons whose signatures were attached to the petition, nor the clergy, nor the eighteen magistrates were worthy of attention, there was at least one person whose name had been affixed to it, which he was sure the noble Viscount (Viscount Melbourne) and even the Governor-general of Canada, would admit was worthy of their Lordships' consideration; and that individual was no less than her Majesty's Solicitor-general of Lower Canada. He was not Solicitor-general at the time he signed the petition; but in the interval between the signing of the petition and the passing of the ordinance, Mr. Day was made Solicitor-general, a convincing proof of the high estimation in which he was held by the Governor-general. What was the conduct of Mr. Day in the Special Council? In the Special Council there were but two members who voted against the ordinance. Of that fact there could be no doubt, because it came under the hand of the Governor-general; but the despatch, although it informed their Lordships that two members of the Special Council had voted against the ordinance, did not inform them of two others who declared themselves against it, but who for some reasons, which no doubt satisfied their consciences as men of honour, stayed away, and did not vote. One of those two Members of the Special Council was Mr. Day, the Solicitor-general; and as he (the Bishop of Exeter) was told Mr. Day opposed the ordinance in committee, but upon the question "that it be fairly engrossed," which, according to the forms used in Canada, was equivalent to the question in this country that a measure "do pass," Mr. Day was not present. Mr. Day, however, was not the only individual who stayed away. There was another — a highly honourable man — Mr. Black, the judge of the Vice-Admiralty court. He also opposed the ordinance in

some of its stages, but was absent when the final question was put. He (the Bishop of Exeter) was assured, upon the authority of a man of veracity, honour, and high distinction in Montreal, that it was perfectly notorious that Mr. Black, after intimating his objection to the ordinance in one of its early stages, was sent for by the Governor-general. Nothing of course was known of what took place at this interview. But though he (the Bishop of Exeter) could not say *post hoc, ergo propter hoc*, at all events *post hoc*, for Mr. Black, although in Montreal, did not afterwards attend the Special Council to vote upon the ordinance. He would not go further into the particulars of who the petitioners were, nor dwell at greater length upon the claims which they had to their Lordships' consideration. He came now to the prayer of the petition: that prayer was—

"Having stated our reasons for calling on her Majesty to refuse her sanction to any ordinance for incorporating the seminary of St. Sulpice, we humbly pray that the funds collected for that seminary may be applied to those public purposes from which all classes of the population will derive equal and commensurate advantages."

Such was the prayer of the petition, the object of which was, to prevent the incorporation of the society of St. Sulpice, and the appropriation of the funds in question to other purposes than those which tended to the public good, and the petitioners called upon their Lordships to take such measures in compliance with their prayer, by address to her Most Gracious Majesty, or by some other course which they in their wisdom might deem fit, as should avert the evils thus complained of, by securing a refusal of the royal sanction to the obnoxious ordinance. It was stated by the Governor-general, that to the bargain on which this ordinance was founded, the present petitioners were parties—not only parties, but assenting parties; and in support of that statement, reference was made to the report of Mr. C. Buller, which was to be found in Appendix E to Lord Durham's report. But, if their Lordships looked to the statement of Mr. Buller, they would find that he did not commit himself to any such assertion. Mr. Buller was directed to investigate the subject, and he had consulted with Mr. Quiblier, the superior of the seminary. He did not call together the whole body of indivi-

duals who were interested, in fact the whole report was drawn up without their concurrence, or even cognizance, but he selected three persons, who, he doubted not, Mr. Buller thought very fit to decide this question. After consulting with them, he made a most lucid report on the subject, and in it he stated that his opinion was founded on the sentiments of those who might fairly be regarded as representing the general feeling of the British inhabitants on the subject. That assuredly was a very different thing from stating that all those who were interested were parties to the bargain. Mr. Buller referred to those whom he had consulted as persons very likely to know and speak the general feeling, but on that point he happened to be quite mistaken. In fact, from the first, much opposition was offered to this plan; and when it was originally spoken of, a deputation from the petitioners waited on the late Earl of Durham, to entreat him that no such ordinance should be passed. Lord Durham answered these very unsatisfactorily, but gave them no reason to suppose that an ordinance was prepared. The noble Earl was succeeded by a noble Lord (Seaton), who he wished was now in the House to give them the benefit of his advice on this subject. Finding the matter nearly concluded, and the assent of the parties to whom references had been made, already obtained to the proceeding, finding too, that these parties were considered by his predecessor as representing fairly the sentiments of the censitaires in general, the noble Lord went on with his ordinance. Immediately a deputation waited on Lord Seaton, and stated, that so far from having given their assent to the ordinance, they were not even aware of the step proposed. There was no bargain made; those parties had uniformly, from first to last, declared themselves against it, not merely on pecuniary grounds, but for higher and better reasons. He rejoiced to say that the parties who had signed this petition had shown their moderation by abstaining from saying a single word against the corporation of the seminary of St. Sulpice. From all he had heard of the members of that body, he believed that they were entitled to the utmost credit for their zeal, moderation, and desire faithfully to do what they believed to be their duty. Perhaps the most important investigation

that had been made into the claims of this seminary was that which was made in 1836, by the Commission of Inquiry into the Grievances of the Canadians. That commission was composed of a noble Earl, a gallant officer, and a right hon. Gentleman who had formerly been Chief Justice of Calcutta, who was a very old and valued friend of his, he must be highly valued indeed, he must be by every one who had the advantage of his acquaintance. While those commissioners negatived everything like a legal claim on the part of this seminary to the possessions it claimed, they however urged what they considered to be the equitable claims of the seminary on her Majesty's Government. Two of the commissioners used rather less strong language as to the nullity of the pretended legal claim than the third, but the right hon. Judge, who on a question of law might be considered as high an authority as the noble Earl and the gallant Officer associated with him, spoke of the legal claim as being absolutely destitute of reasonable foundation, asserting, however, along with the others, the equitable claim which he supposed the seminary to have. The strongest argument assigned for the legal claim by the two commissioners was the 34th article of the capitulation of Montreal, by which it was stipulated that the communities generally should retain their property in the seignories; but Sir C. Grey disposed of that argument altogether, and showed its complete futility. The commissioners, however, agreed in declaring their opinion that the seminary had the strongest claim to the generous consideration of her Majesty's Government, asserting that the acts of Government since the conquest had all along recognized the equitable right at least of the parties in possession of the property. One of the strongest points in favour of this view was drawn from a clause in the Royal instructions given to the Governor of Canada, after the Quebec Act of 1774, 14th George 3rd., c. 83. In that act there was a provision that all her Majesty's Canadian subjects, except the religious orders and communities, should freely hold the possessions and properties to which they were entitled at the time of the cession of the province. This seemed like an absolute exclusion of the claims of the seminary; but in the Royal instructions to the governor, issued subsequently to the

passing of the act, there was a passage declaring,

"That the societies of Romish priests, called the seminaries of Quebec and Montreal, should continue to possess and occupy their houses of residence, and all other lands and houses to which they were lawfully entitled on the 13th of September, 1759."

The commissioners, in their report, did not quote these precise words. They preferred using different language, to having recourse to the words of the mere dry official document. He would read to their Lordships the statement of the commissioners. They said,

"New instructions were given to the Governor of Canada on the 3d of January, 1775, in consequence of the passing of the Quebec Act in the preceding year; the 21st section related to the exercise of the Roman Catholic religion; and by the 11th head of it, it was directed that the seminaries of Quebec and Montreal should remain in possession of all houses and lands of which they were in possession on the 13th of September, 1759."

Surely, there was a marvellous discrepancy between the real language of the instructions and the account of it thus given by the commissioners! The commissioners said the seminaries were to hold all the lands of which they were in possession on the 13th of September, 1759, whereas the royal instructions expressly restricted the lands to those to which they were "lawfully entitled" on that day. This completely negated the conclusion which the commissioners had adopted. The commissioners stated that they were to remain in possession of all the houses and lands of which they were before in possession. He must take leave to say the instructions said no such thing. They said they were to continue to possess and occupy—a very important word, because it seemed they were to continue in possession of only those things of which they were in occupation—that they should continue to possess and occupy their houses of residence, and other lands and houses to which they were lawfully entitled on the 13th of September, 1759. Unless, therefore, on the 13th of September 1759, those seminaries were lawfully entitled to the possession of the property which they now claimed, those instructions which the commissioners appealed to as conclusive in their favour, were conclusive against them. The commissioners themselves admitted they were not lawfully entitled, that their

legal title was a mere illusion. But what was the property they were then considering? Was it houses of residence and lands? No, seigniorial rights and dues. If he might be permitted to call the attention of the noble and learned Lord opposite to this, (and he wished there were more noble and learned Lords present) he would beg of him to consider whether the phrase "houses and lands," which those parties were to continue to possess and occupy, could in any legal sense cover the claims to those seigniorial rights and dues? Unless they did, those words would exclude the claims of St. Sulpice, instead of bringing them within the contemplation of the Royal instructions. He would not detain their Lordships by going at large into the nature of these seminaries. They were most respectable bodies, and of great antiquity—they were bodies well known to the primitive Church—they were bodies which the Church of Rome had done wisely in retaining, and which he would be much pleased to see in our own Church. They were instituted, first, for the purpose of giving instruction to persons who were qualifying for holy orders, a most useful purpose, and he thought such an institution would prove of great benefit to our Church. Another purpose of the seminaries was to attend to foreign missions, and this of St. Sulpice, of Paris, was an illustrious instance of the pious munificence of an excellent man, M. Olier, an intimate friend of Fenelon. To his piety did it owe its existence. The exertions of the missionaries in New France, as the present United Province of Canada, was originally called, were crowned with much success; they had converted many of the Indian tribes, but he was sorry to say that the impression was not permanent. However, the consequence of their success was, that a society in France, resembling our Society for the Propagation of the Gospel in Foreign Parts, to whom the island of Montreal had been given, transferred this possession to the seminary of St. Sulpice, at Paris, and letters patent of Louis 14th confirmed the grant in the year 1667. The same letters patent permitted the establishment of a seminary at Montreal, but at the same time expressly guarded against permitting the Montreal seminary to be anything more than a mere dependency of the seminary in Paris. They occupied the houses and lands under the seminary at Paris, and

accounted to it for the revenues of the lands they held. Their possessions amounted to about 1,500 acres, 800 of which was wood, from which they obtained their fuel—one farm of 180 acres was in their occupation, and another farm was let. With regard to the seignories they were distinctly in the legal possession of, the Seminary of St. Sulpice in Paris, as was clearly proved by Sir John Sewel in 1801—he adduced proofs from books of unquestionable authority that the society in Montreal was an off shoot—a dependency of the society in Paris. Now he apprehended that the recognised principle of national law was that all the rights of corporations located, nay, that all the rights of individuals which were opposed to the institutions of a conquering State, were *ipso facto* abolished by that conquest. That was the ordinary and common sense doctrine, and therefore it was perfectly open for the new State to say as these possessions devolved to the Crown that they should be employed for the conversion of the Indians by protestant clergymen, and for the instruction of the protestant population; as they were formerly applied by the Roman Catholic clergy to the Roman Catholic population. At any rate, they fell to the Crown as of right. He spoke not from his own authority, but from that of every British juriconsult who had given an opinion on the subject. The residence of the original owners of the property was France, and only those who were resident in the colony were entitled to the benefits of the capitulation in which there was nothing that recognised the rights of the Seminary of St. Sulpice at Paris. From the year 1773, down to the year 1829, various officers of the Crown, after investigating the legal rights of these ecclesiastics, affirmed the principle he had stated. What was the consequence? Why, that the Seminary of St. Sulpice of Montreal, besides being not recognized as a corporation, were not even considered entitled to the property as individuals. The only permission accorded to them was, that they should continue to occupy their houses and lands during the king's pleasure.

It was said that by the Treaty of Cession in 1763 persons natives of Canada holding property there were allowed to retire to France and to part with their property to other persons in the colony, and that in 1764 the seminary of St. Sulpice in Paris

executed a deed of gift of all the property in question to the seminary in Montreal. This was one ground on which the seminary claimed; but it was ridiculed by every lawyer. Unless they had a title in 1759, they could have no title of a subsequent date, and their present title did not commence till 1764. The commissioners had indeed considered that the Crown had invariably treated the members of the seminary of St. Sulpice as legally and equitably entitled to continue in possession of the property. They founded their view on the instructions which continued to be given to each successive governor, down to the time of Lord Gosford; but it has been already shown that the terms of those instructions had been (unintentionally no doubt) changed by the commissioners, and that the instructions in their real import repudiated the notion, that the assent of the Crown had been given to the possession of this property, by the members of St. Sulpice. He would give another instance to their Lordships of the fact that the Government had not always considered the claims of St. Sulpice to be a settled question. He was sorry that the noble Earl who, in the year 1835, filled the office of Colonial Secretary, was not in the House, but he would beg leave to read to their Lordships an extract from a despatch from the Earl of Aberdeen to Lord Aylmer on the 1st of January, 1835, which would show that the Government of that day considered the question open to dispute. The despatch, which was very conciliatory in its tone, assigned the reasons of Government for refusing to accede to a bill passed by the provincial Legislature relating to public education, which appeared to be very objectionable in its general policy. The extract was as follows:—

“Finally, the terms of this bill are so chosen, that I apprehend they would terminate the question so long disputed, whether the corporate character asserted by the priests of the seminary of St. Sulpice really belongs to them or not. The decision of that question in favour of the seminary would involve consequences which every Canadian, whatever his national origin or religious persuasion, would alike have reason to deprecate—such as the holding a great commercial city upon a feudal tenure, &c.; the dedication of a vast territory to purposes now become, in a great measure, obsolete, and for which, to the advantage of every class of society, other public objects of the same general character might be substituted.” &c.

In that document then there was a complete contradiction of the main averment of the commissioners, on which they founded their opinion, that the seminary was entitled in equity to retain possession of the lands in their occupation: and more than that, there was the authority of the Government in the beginning of the year 1835, expressed by the noble Secretary for the Colonies at that time, that the possession by the seminary of the property it claimed, would be looked upon as a most disastrous occurrence by every Canadian, whatever might be his religious or political opinions. He rejoiced to know that the petitioners had so high an authority in their favour.

He had now to approach a part of the subject that involved delicate considerations—he meant the merits of the parties. As individuals, he believed most conscientiously that they were entitled to the honour, and respect, and reverence of every man of every religious communion. He believed they were most exemplary in their conduct. That was, indeed, the uniform testimony from every quarter of Canada. But their merits as a religious body was quite another affair. How had they exerted themselves in their collective character? A return from M. Quiblier, the principal of the seminary, contained in the appendix to Lord Durham's report, set forth the objects to which the funds of the seminary were actually directed to be as follow;—

"1. The service of the parish of Montreal, containing about 20,000 Roman Catholics; one third of which are English, Irish, or Scotch. For these the seminary maintains from 15 to 18 priests. 2. The Mission of the Lake of Two Mountains, for the instruction of two tribes of Indians. 3. The Little Seminary or College; 5 priests and 15 masters. Here are taught French, English, Greek, Latin, the *belles lettres*, philosophy, mathematics, &c. About 250 scholars attend this establishment. 4. The parochial schools; 30 masters or mistresses, 1,400 children are taught almost gratuitously. 5. A foundation at the Hospital-General of the Gray Sisters for six poor and aged invalids. 6. Another foundation at the same hospital for 40 Irish female orphans. 7. This year (*i. e.* 1838) an establishment of Brethren of the Christian Schools."

This was a body of men brought from France, and he (the Bishop of Exeter) confessed he did not think the worse of them on that account, but it was right to say he had heard and believed they were

Jesuits. He did not want to go into the subject of Jesuitism on this occasion, yet he must say that he thought the Jesuits were not people who were entitled to much respect from their Lordships. When they considered what was going on in the world at the present time, they might without any impropriety, entertain some special jealousy of Jesuits.

"That establishment is frequented by upwards of 260 young men, who are taught (*gratis*) reading, writing, arithmetic, grammar, geography, the elements of geometry, and lineal drawing, &c. 8. Public and private alms, and subscriptions for public improvements."

Of all these objects, the second was the only one which at all agreed with the objects for which the seminary of St. Sulpice, of Paris, like its offspring at Montreal, was permitted to be established, by letters patent from Louis 14th, namely, for the "conversion and instruction of our subjects in New France." The term, "conversion," of course, was applicable to the native Indians; "instruction" included both French and native Canadians, and thus all the subjects of the Crown of France, in New France, were embraced in that article. It was very remarkable, that at the capitulation of Montreal, a special demand was made, that the Indians should be instructed by the Roman Catholic Ecclesiastics. The 4th article of the stipulations, after making provision for the security of the Indian tribes, which had been friendly to the French during the war, proceeded thus to state the demand of the capitulating party, the people of Montreal:—

"The actual vicars-general, and the bishop, when the episcopal see shall be filled, shall have leave to send them new missionaries, when they shall see it necessary."

What was the answer to that demand? "Granted: except the last article, which has been already refused." Now what had been the conduct of the British Government—he did not mean of her Majesty's present Ministers, but of every administration since the year 1763? Had they acted in conformity with this refusal? Yes; in the instructions given to the governors-general from that time to this—no, not to this period, because the instructions recently given to the Governor-General of Canada formed an exception—but, till that exception, down to the period of Lord Sydenham going out, all the Go-

vernors-general had received these instructions?—

“That all missionaries amongst the Indians, whether established under the authority of, or appointed by the jesuits, or by any other ecclesiastical authority of the Romish church, shall be withdrawn by degrees, and at such times, and in such manner, as shall be satisfactory to the said Indians, and consistent with the public safety, and Protestant missionaries appointed in their place.”

That was the invariable order of the British Crown to the representatives of the British Crown in Canada, and it was dictated by the truest and most just appreciation of the duties of the Sovereign, who had bound himself, in the most solemn manner, to maintain throughout his dominions, not merely in Great Britain and Ireland, but in all the territories thereof, to the utmost, the true Protestant religion as established by law. Should it be said, that the object of the establishment of the seminary, as stated in the letters patent of 1677, was generally for the conversion and instruction of the subjects of the ruling sovereign, the answer was, first, that this provision applied then to the whole province of New France, including both Canadas; and, secondly, that by right of conquest, all such instructions became applicable to the similar objects of the conquering state, namely, the Protestant religion. But the recent instructions to the Governor-General, though they contained all the other instructions relating to religious matters, did not contain the two articles which he had read to their Lordships. There was appended to the instructions given to Lord Sydenham, an intimation that certain things had become obsolete—that was the word—“certain things had become obsolete,” and the Governor was to apply himself to the instructions given in respect to those things that were not obsolete. In consequence of what took place in 1839; this subject was specially referred to in the new Colonial Secretary's letter to Lord Durham, and it was advised that more liberal views should be taken, that he should act upon liberal dictates, and that he should deal with his instructions in the manner best suited to the liberal spirit of modern times. But the fact was that the right of this seminary, to carry out the purpose of the endowment of 1667, even the conversion of the Indians, was expressly desired in regard to this most

important point, until Lord Sydenham's time.

He applauded the teachers connected with the establishment of St. Sulpice for the efforts they had made to diffuse education. But what had been the practical result of their labours? Had they been productive of general advantage to the community? He would refer their Lordships for an answer to the report made by Lord Durham. Though he did not approve of all the conclusions of that report, he might be allowed to say, that he considered it a very well-written and able document, and from that he would quote the account which Lord Durham gave of the result of the education which had been given to the Canadians.

“The bulk of the population” said Lord Durham, “is composed of the hardworking yeomanry of the country districts, commonly called *habitans*, and their connexions engaged in other occupations. It is impossible to exaggerate the want of education among the *habitans*; no means of instruction have ever been provided for them, and they are almost universally destitute of the qualifications even of reading and writing. The piety and benevolence of the early possessors of the country founded in the seminaries that exist in different parts of the province institutions of which the funds and activity have long been directed to the promotion of education. Seminaries and colleges have been by these bodies established in the cities and in other central points. The education given in these establishments greatly resembles the kind given in the English public schools, though it is rather more varied. It is entirely in the hands of the Catholic clergy. The number of pupils in these establishments is estimated altogether at about 1,000, and they turn out every year, as far as I could ascertain, between 200 and 300 young men thus educated. Almost all of these are members of the family of some *habitan*, whom the possession of greater quickness than his brothers has induced the father or the curate of the parish, to select, and send to the seminary. These young men, possessing a degree of information immeasurably superior to that of their families, are naturally adverse to what they regard as descending to the humble occupations of their parents: a few become priests; but, as the military and naval professions are closed against the colonists, the greater part can only find a position suited to their notions of their own qualifications in the learned profession of advocate, notary, and surgeon. As from this cause these professions are greatly overstocked, we find every village in Lower Canada filled with notaries and surgeons, with little practice to occupy their attention, and living among their own families, or at any rate among exactly the

same class. Thus the persons of the most education in every village belong to the same families and the same original station in life as the illiterate *habitans* whom I have described. They are connected with them by all the associations of early youth and the ties of blood. The most perfect equality always marks their intercourse, and the superior in education is separated by no barrier of manners, or pride, or distinct interests from the singularly ignorant peasantry, by which he is surrounded. He combines, therefore, the influences of superior knowledge and social equality, and wields a power over the mass, which I do not believe, that the educated class of any other portion of the world possess. To this singular state of things I attribute the extraordinary influence of the Canadian demagogues. The most uneducated population anywhere trusted with political power is thus placed in the hands of a small body of instructed persons, in whom it reposes the confidence which nothing but such domestic connexion and such community of interest could generate. Over the class of persons by whom the peasantry are thus led, the Government has not acquired, or ever laboured to acquire, influence; its members have been thrown into opposition by the system of exclusion long prevalent in the colony; and it is by their agency that the leaders of the Assembly have been enabled hitherto to move as one mass, in whatever direction they thought proper, the simple and ductile population of the country. The entire neglect of education by the Government has thus, more than any other cause, contributed to render this people ungovernable, and to invest the agitator with the power which he wields against the laws and the public tranquillity."

These were the practical results of the laudable exertions of this seminary. For this they had the authority of Lord Durham's very able report—for an able report it certainly was, though he would not be guilty of the affectation of saying he thought it a wise one. Independently of that statement however, what was notoriously the state of the fact? He admitted that full praise ought to be given to the seminary for having prevented the outbreak of sedition and violence in the city of Montreal. It was stated that it had done so; and he had no doubt it was stated correctly. But what was the effect in the rural districts? within the seignories claimed by the seminary? It was there that the worst excesses of the Canadian rebellion were committed; thus bearing the amplest testimony to the accuracy of the statements in the Earl of Durham's report. He contended, then, that no special case interposed between the seminary and justice; and justice de-

manded that the vast resources in question should be wielded by the Crown for the public good. He maintained that those funds belonged not to the seminary, but to the Crown; and if that were the case, it was the duty of the Crown—and he was sure that no one would be more ready to admit that it was than the noble Viscount near him—to employ them for the general benefit of the most important province in which they accrued. Here he might leave the subject, but there were considerations connected with it of a higher character than any he had hitherto mentioned.

He apprehended that the ordinance relating to the seminary must have been passed subject to the instructions imposed on the Governor-general by the Legislature. By the Quebec Act it was provided that no ordinance should be passed which would have the effect of altering the spiritual or religious interests of any ecclesiastical body. Now the ordinance professed to incorporate the ecclesiastics of the seminary at Montreal. Could it be denied that that was making an important alteration, both in the temporal and spiritual interest of the body? It also gave to the seminary vast possessions, to which it had not the shadow of a legal title. The restrictions imposed by the Legislature upon the Governor-general ought to be construed largely. The Legislature was conferring upon that officer extraordinary powers—powers unknown to the Constitution (he did not say that they were unnecessarily conferred), and therefore he contended that the restrictions imposed upon such powers ought to be construed most largely. By the ordinance passed with respect to the seminary, the Legislative restrictions had been completely disregarded and put aside. That, however, he held as nothing, compared with the illegality of the ordinance in another respect. It in effect, created an Ecclesiastical corporation of Romish priests. He ventured to say, that this was the first time since the Reformation that the English Government had done such an act. James 2d. even never dared to do it. Father Petre never ventured to advise the attempt. It was reserved for the noble Viscount's Government in 1841 to do it. This was all in the natural course of things, he supposed. We were now favoured with new lights, adapted to the spirit of the age, and must conduct

ourselves accordingly. Still, however, we had yet a constitution, and laws, and the fundamental laws of the Constitution ought to be, and, he doubted not, would be maintained by their Lordships. He was sure their Lordships would not tolerate an attempt to create an ecclesiastical corporation of Romish priests in defiance of the fundamental laws of the country. What was the first object of an act of incorporation? It was to make the body to which it was applied perpetual. Then, he asked, could a Protestant Government—could a Protestant Legislature, if it were what it professed to be—could it dare to attempt to perpetuate that which, if it believed the creed it professed to hold, it must not only think ought not to be perpetuated, but must be satisfied would at last cease to exist? It was impossible, he conceived, for a Protestant Legislature to incorporate a body of Popish priests—[A noble Lord “Romish.”]—Well, Romish priests; he had no objection to use that word; if noble Lords liked it better.

He would now venture to call their Lordships’ attention to the Act of the 24th of Henry 8th., c. 12., as one of the fundamental laws of the realm. That statute described the state and constitution of England; it claimed for the imperial Crown of this realm, independence of every foreign power; it declared that to it was attached a body politic, compact of different sorts and classes of persons, called by the names “spiritual” and “temporal;” and that the body which was bound to the imperial Crown of Great Britain, was sufficient of itself to discharge all the demands of justice within the realm; and it proceeded, therefore, to declare, that it should be unlawful to make any appeal whatever to any foreign state, and it specially ousted the jurisdiction of Rome. That statute was one of the most important ever passed by the Parliament of this country. It was a grave declaratory statute of the ancient constitution of this realm; and that statute, he it remembered, was passed before Henry 8th. had ceased to be a member of the Romish church. Again, the 16th section of the Act of 1 Elizabeth, cap. 1, enacted—

“That no foreign prince, person, *prelate* state, or potentate, *spiritual* or temporal, shall at any time after this Session of Parliament use, exercise, or enjoy any manner of power, jurisdiction, superiority, authority, pre-emi-

nence, or privilege, spiritual or ecclesiastical, within this realm, or within any other your Majesty’s dominions or countries that now be or hereafter shall be.”

It was illegal to incorporate any body, in any part of the territories belonging to the Crown of Great Britain, which acknowledged the authority of a foreign power. But the ordinance was also in direct contravention of the Quebec Act of 1774, and also of the 31st. Geo. 3d., commonly called the Constitutional Statute of Canada, by which it was distinctly declared, while the utmost favour should be given to the Roman Catholic inhabitants of Canada in the free exercise of their religion, that must still be subject to the supremacy of the Crown, as defined by the 1st of Elizabeth, to extend over all the dominions of her Majesty “which now are or hereafter shall be.” So fundamental was the Queen’s supremacy in the Constitution of the country, and so extensive in its effects wherever the Protestant empire existed, that it was impossible for the Crown itself to set it at naught. Indeed, this was one of those things which transcended the power of the Crown. It was also beyond—he would not say the force, but the moral power of Parliament, to do anything in derogation of the fundamental statute to which he had referred. What, then, was this ordinance? Its first object was to make the seminary an ecclesiastical corporation. This audacious proceeding—he begged pardon—he would retract that word. It would be correctly applied only if the thing actually attempted to be done, had been intended in violation of our fundamental laws; but he must suppose that the matter had obtained very little consideration from the special council—that, indeed, they really had not been aware what they were about; for he never could believe that they would venture on so bold an experiment as violating the fundamental laws of the realm. It was entirely to want of reflection he attributed a proceeding so rash and so unparalleled for nothing like it had ever been heard of before. Was there the slightest necessity for incorporating the seminary? If there were, that would be a plea, but not an excuse, for the ordinance; but it was perfectly idle to pretend that it was necessary to make the seminary an ecclesiastical corporation, or a corporation at all. Even if it had been just, wise, and proper

to grant to this seminary the property in question, and he would prove it was not just, wise, or proper, still it was not necessary to make it an ecclesiastical incorporation, or a corporation at all. Upon what authority did he say this? On the authority of the British Legislature itself in a most important instance—the establishment of the College of Maynooth. That college was enabled by Act of Parliament to hold lands, but was it made a corporation? Nothing like it. No one in those days ever dreamt of such a thing. Effect was given to the intention of the Legislature by creating trustees, and enabling them to hold property for such a length of time as the educational necessities of the Roman Catholics might require. He would say frankly and freely, that he regarded this as only one of many instances of the encroaching spirit of Popery. Never, never, since the era of the Reformation, did greater danger menace the peace of Europe, and the rights and liberties of every free state in Europe; ay, and beyond it, especially in America, and our own colonies there and elsewhere (particularly Newfoundland), from the gigantic strides made by Romanism to resume its power; and never was its progress watched with such utter indifference; nay, he wished he could say with indifference, but he feared he must state with such favour by the Government of this country. [Viscount Melbourne: No.] The noble Viscount disclaimed it. Then he retracted the assertion, and would believe, that the noble Viscount did not intend to favour Popery, however the acts of his Government might seem to indicate the contrary. The noble Viscount must be aware, that there was some apparent ground for misconstruing his intentions. He must recollect certain expressions which fell from him a few years ago, and which he (the Bishop of Exeter) would not repeat, because they had become “familiar as household words,” and now here was the proposed incorporation of the seminary. Of course it was not intended to favour Popery; and, for aught he knew to the contrary, it might have been supposed, that the incorporation of the seminary would be for the good of the Government and the province. So it was, we had a Government professing attachment to the Church of England, which was, in appearance, doing all it could to favour Romanism, yet declaring all the

time that it intended nothing of the kind. It happened, that amongst the documents placed upon the Table of the House by the noble Marquess near him (Marquess of Normanby), when he was Colonial Secretary, was a paper in which a Roman Catholic functionary was styled “Bishop of Quebec.” The language he believed was used in pure innocence; but it was an indication of the way in which these matters were treated by the Government. At the time of the capitulation of Quebec, one of the points most strenuously urged on the part of the inhabitants was, that there should be an acknowledged Roman Catholic Bishop of Quebec. In those days the very notion of such a thing was laughed at, and every attempt subsequently to establish a Roman Catholic bishop had been set at naught. To show the jealousy which had prevailed upon this point, he would refer to a transaction which would be in the recollection of some of their Lordships. A Roman Catholic clergyman had gone from Quebec to Rome, and was there appointed a bishop in *partibus* by the Pope. He returned to Quebec, and secretly prevailed with the remaining members of the old chapter at Quebec to elect him Bishop, and he then consecrated another Romish ecclesiastic, by authority from Rome, to be a bishop *in partibus*, who was made his coadjutor, *cum jure successionis*. The governor reported the circumstance of the consecration to the Secretary of State, Lord Dartmouth, who wrote him a very sharp rebuke for having suffered it. Now, however, the Colonial Secretary openly recognised the Roman Catholic Bishop of Quebec, which was an important sign of the times, which it was their duty not to overlook. He regarded it as a matter of regret, that there was no Protestant Bishop of Quebec, and that the Prelate who succeeded to the episcopal functions of the last bishop did not also adopt his title of Bishop of Quebec. All these proceedings rendered it necessary that their Lordships should watch what was going on. They must keep their eyes open. Or, if they were resolved to wink at every thing, yet, wink as hard they pleased, they could not be altogether blind.

There was another ground on which he contended this ordinance must somehow or other be blotted out of the legislation of Canada—it was in direct defiance, in the very teeth, of a most important act—the

Act of Union, which was passed last year. By the 3rd and 4th Victoria, c. 35 (the act to reunite the provinces of Upper and Lower Canada), the consolidated fund of the province was charged—

“With the payment to her Majesty of two several sums of 45,000*l.* and 30,000*l.* for the several services and purposes named in the schedules; and so long as the said sums should be payable to her Majesty, the same should be accepted and taken by her Majesty, instead of all territorial and other revenues now at the disposal of the Crown; and all the produce of the said territorial and other revenues now at the disposal of the Crown, within the province of Canada, should be paid over to the said consolidated fund.”

By that act the Crown had put it out of its power to exercise any control over the property which the Government now affected to give to the seminary. He made that assertion on the authority of the commissioners on grievances. In their first report, p. 4, they gave part of the speech by which Lord Gosford opened the provincial Parliament of Canada. He said,

“I have received the commands of our most gracious Sovereign, to acquaint you that his Majesty is disposed to place under the control of the representatives of the people all public monies payable to his Majesty, or to his officers in the province, whether arising from taxes, or from any other Canadian source; but that this cession cannot be made, except on conditions which must maturely be weighed”

Then, after stating the conditions, the commissioners proceeded,

“We have now stated the conditions we should think necessary in giving up the right of appropriating the King’s casual, territorial, and hereditary revenue; but in order to render our report complete, it appears desirable that we should preserve the best view in our power of the extent of cession that is to be made.—p. 13.”

After stating the present sources of revenue—

“In order to furnish a further idea of the extent of the sacrifices, not only present, but prospective, which will be made by the proposed cession, we also annex a list (see App., No. 4), as far as the same can be made out, of all the descriptions of property belonging to the Crown in Lower Canada, as well as of the rights of the Crown, which though they are at present unproductive, may, in the course of time, become sources of revenue.”

On turning to Appendix, No. 4, he found a

“Statement of all the sources, whether at

present productive or unproductive, from which a revenue may accrue to the Crown in Lower Canada,”

And what did their Lordships think was the 10th article in that list? The 10th item was,

“The claim of the Crown to the seignory of Montreal.”

Such was the advised report of these commissioners, who gave their opinions with respect to this seminary. After such a distinct renunciation of this property to the provincial Legislature, it was obviously impossible to defend the ordinance on principles of common honesty. The noble Viscount (Viscount Melbourne) might think, after all, there was no great danger in a measure of this sort, but he should recollect that unions did not always carry with them the affections of all classes of the people. They had heard of unions which, even forty or fifty years after they had been effected, were still matters of great soreness to a great portion of the people. They heard of agitation for repeal, even without the shadow of a pretence of grievance. The only pretence of grievance in the case of Ireland was redressed twelve years ago; for, although nothing of the sort was to be found in the Act of Union, it was alleged that something passed between the statesmen of the day which pledged the Government to the admission of the Roman Catholics to civil rights; and on this poor pretence the passions of the people were aroused against the Union. What would be the case in Canada? They would have no mere shadow of grievance to complain of, but a real, material, embodied grievance affecting all the dearest relations of life. Common honesty would forbid the sanctioning of such an ordinance; and unless the noble Viscount could make it distinctly plain, not only to their Lordships, but to the plain minds of all men in Canada, that such would not be the effect of the measure if it be carried into effect, he implored their Lordships to consider the frightful evils to which it would give rise, and for which that House would in some measure be held responsible. He called upon their Lordships, in their legislative capacity, to consider this matter. He would not now call upon them for their vote, though probably he would so on a future occasion, but his only object now was, to set frankly

and fairly before them the grounds upon which he would ask for it. When that time should come, he hoped their Lordships would bear in mind that, in dealing with the ordinance, they must act as if they were dealing with a bill upon the Table, which, without their consent, could not pass into a law. The petitioners, in the meeting which was held by them after the passing of the ordinance, declared by one of their resolutions, that the manner in which it was proposed to deal with the property in question is a fraudulent evasion of the compact entered into with the people of the provinces. He thought that in the use of this language the petitioners had gone further than they ought to have done, because he conceived that the Government could not have intended to act dishonestly. If they had so intended, no language could be too strong to be applied to their conduct. Had the petitioners, instead of calling it a "fraudulent evasion," characterised it as a direct violation of the compact made with the people of the provinces, every honest man must have concurred with them. And who were the men who complained of this violation of good faith? The very men who held the lower province at the risk of their lives, by their own energies, their own valour, their own virtues, at a time when many, at least of the disciples of this seminary, were doing their utmost to wrench that noble possession from the British Crown. Such a body of men had a peculiar claim upon this country, both from the time at which the ordinance was proposed, and from the authority by which it was sought to be carried into effect. It was when the constitution under which they had long, gratefully, and devotedly lived, was suspended, a constitution for which they had fought and which they were anxious to have restored—it was when this constitution was withheld from them for the crimes of others that the ordinance was passed by a despotic authority, established in opposition to all the principles of the British constitution. This was a grave question, and must be gravely attended to; but he must recur to what the Governor-general himself said of the ordinance. Lord Sydenham made a most important admission with respect to it. He said, at the conclusion of one of his despatches,

"Undoubtedly, if I considered the Crown

to be free from any obligation, and that (supposing the strict legal right to be with it and not with the seminary) I was at liberty to recommend the appropriation that I thought best, I should not make the present one. Although the seminary is a most useful body, and manages its affairs greatly to the advantage of the province, I would willingly, under such circumstances, adopt a less exclusive distribution of such large Crown funds; and, above all, I would increase them greatly, by making those who would then be the censitaires of the Crown purchase their freedom at a much higher rate."

And this was the reluctant conclusion to which the Governor-general had come.

"But, I am not in a situation, hampered as the Crown is by its previous engagements, to take such a course, and, therefore, for the same reasons, I come to the same conclusion as those to whom I have above referred have done."

But the Governor-general was not known to their Lordships by this measure alone. He was known to them last year by that important measure which he urged on—the Clergy Reserves Bill; and did they then hear anything of the obligations of the Crown? He would remind their Lordships that when George 3rd—a name which should never be mentioned without reverence—consented to favour the Roman Catholics of Canada so far as to give them the free exercise of their religion, he took care to send a message to Parliament, asking that Parliament to enable him to make grants of lands for the maintenance and security of the Protestant clergy, and Parliament did so most gladly. Were the obligations of the Crown felt to be so stringent then? On the contrary, did not this very Governor of Canada then recommend a measure, which directly set at nought and trampled in the dust all those rights of the Protestant clergy, which were consecrated by the acknowledged oath of the Sovereign? What had occurred in the reign of George 3rd, also occurred in that of William 4th, when the noble Earl (the Earl of Ripon) was Colonial Secretary, and the noble Viscount (Melbourne) a Member of the Government, possessing that power and influence which must belong to him as the member of any government. King William 4th, under the advice of a cabinet of which the noble Viscount was a leading Member, sent a message to the legislature of Canada, desiring them to make arrangements to put an end to the difficulties respecting

the clergy reserves, and in that message was the following passage:—

“Bound, no less by his personal feelings, than by the sacred obligations of that station to which Providence has called him, to watch over the interests of all the Protestant churches within his dominions, his Majesty could never consent to abandon those interests with a view to any objects of temporary and apparent expediency.”

Yet, in spite of all this, the promise of a Sovereign—the declaration in an act of Parliament, and solemn recognition of the ancient constitutional law—such obligations did not hamper, but were “snapped in two like withes in the hand of the strong man” by the Governor-general, under whose authority these reserves were to be applied to pay all the Ministers of religion to whom the faith of the Government was pledged; and amongst them were the Roman Catholics, for, according to the list given in by Sir George Arthur, 1,500*l.* was to be given to ministers of the church of Rome. That was done in a statute which their Lordships had passed last year on the urgent solicitation of the same Governor-general, who now told them that he should not wish to urge the present measure, “if the Crown were not hampered by its previous engagements.” He would not waste their Lordships’ time further; but he should call on their Lordships, when the hour came for sanctioning this ordinance, to stand between their Protestant fellow-subjects and this most fatal measure. He said fatal, because he did not think that the considerations of duty, good faith, and religion, could be trampled upon with impunity, even by the Legislature itself. More he could not say; but with this conviction, he moved that the petition lie on the Table.

Viscount Melbourne: Perhaps, my Lords, in presenting a petition relating to a matter of great importance, and embracing a subject the details of which were, in some degree, involved in obscurity and not very familiar to your Lordships, the rev. Prelate may be considered as taking no unusual or improper course, in stating somewhat more particularly than would be necessary on another occasion, the whole of his views on the question, and entering upon it at great length; but, at the same time, I am sure your Lordships will feel that it is not necessary for me to go over the whole of

the ground traversed by the rev. Prelate, and that it will be sufficient to treat the question as it really stands—namely, the presentation of a petition—without discussing the whole of the statements and arguments brought forward to support it. The rev. Prelate takes as his first objection to this ordinance that it was not properly passed in Upper Canada—an objection not stated in the petition, an allegation not made in the petition, but which rests entirely on its own authority, which he has, no doubt, received from those persons who sent him this petition, and instructed him on the subject. The rev. Prelate proceeded to say—though it was stated in the despatch that the council acted on the fullest discussion—that they did not receive some information which they ought to have received, and that some motions were made there which were negatived. It is impossible for me to answer such a charge. We must give, my Lords, that Assembly credit for proceeding on such information as they deemed satisfactory; and it is impossible for us on the mere statement of the rev. Prelate to condemn the course which they took, or in any respect to impugn their ordinance for informality. It must be supposed this body did their duty; and, certainly, with regard to other parts of the charge against them, in which it was said that some persons had voted in a certain way, and that they had reasons for doing so, and that somebody would have voted against the ordinance, but that his views being made known to the Governor-general he was sent for, and (though it was not even alleged that his vote was influenced by that circumstance) the bare fact being taken as conclusive—why, there never was a measure passed in any assembly (I will answer for it) which was not attacked upon such grounds, and in the progress of which, was not subject to observations and imputations of this nature. I therefore feel I do not ask too much when I call on your Lordships entirely to dismiss from your minds all the accusations which the noble Prelate has brought forward on this point, particularly when they are contradicted by the usual conduct of the governor and council; and by his own statement of the proceedings of the council. It is not a matter on which, as I have said already, I can be instructed or assured. I can only say that I am sure nothing unfitting or unbecoming

took place in the mode of proceeding in the council, and that the ordinance was passed in accordance with the rules which regulate such an assembly. The right rev. Prelate next passes to a statement concerning the respectability, the number, weight, and importance of the petitioners. I cannot say anything to the contrary. It is a petition identical in form with one which was transmitted by the Governor-general, in March, 1840, to her Majesty; and the right rev. Prelate admits that the despatch of my noble Friend is correct in which he alleges that many of the persons who signed the petition have since taken advantage of this ordinance and settled their rights of property under it. That this fact is to be considered as retracting and rendering null their signatures to this petition, I do not assert; but I am justified in asserting that it affords some presumption that they would probably be unwilling to reverse compositions and to alter settlements which they have made under an ordinance of which they have taken the benefit, and probably now think that they have derived advantage. The rev. Prelate has, in addition to those I have noticed, gone into a variety of topics through which I shall not venture to follow him on the present occasion. He has traced the whole history of this seminary of St. Sulpice—how it stood before the conquest of Canada—how it was affected by the capitulation—how it was affected by the grant from the seminary of Paris after the capitulation—how it was affected by the act of 1774; and he says that on all these matters very considerable legal doubts have arisen, and that many governments have received opinions of great weight and eminence impugning the rights of the seminary to those estates and feudal tenures which they contend belong to them. Now, there is no doubt of that; but the rev. Prelate must have seen how the question really stands at present from the lengthened arguments which he used against the report of the commissioners—a report by which he felt he was much pressed, and which, in my opinion, is so distinct, clear, and decisive, that I do not see what stand can be made against it. These are the words of the commissioners:—

“That whether or not the legal title be in seminary, the King has done numerous acts which would render it very derogatory to the honour of the Crown to contest it, except for

the attainment of some great public good, which could not be gained by any other means. We do not wish to assert that the Crown has or has not the right: but only that it has constantly pursued a course implying that the right would not be claimed. We do not say, for instance, that the deed of gift in 1764 was valid; but at least that there is every reason to believe that the King, by his Minister, encouraged the execution of it. But we do say, that after seventy years of uninterrupted possession under the British Crown, confirmed by so uniform a succession of acts tending to its recognition, to enter upon a long, and perhaps doubtful legal contest, capable, as we have seen, of being protracted by a multiplicity of arguments on both sides, could never be justified, except for the sake of some great public good, not to be compassed by any other means.”

And then, my Lords, I beg you to consider that at the time the British obtained possession of Montreal, in 1763, the seminary of St. Sulpice enjoyed all this property, and the complete exercise of those seigniorial rights to which it had since laid claim. I say, then, that if the recognition of governor after governor—of council after council—of the statute of 1774—of so many assemblies—of the statute of 1790, when the Canadian Act passed—by all which the possession of the seminary was admitted, and the complete exercise of their seigniorial rights acknowledged, does not constitute a settled and fixed title, there is nothing settled or fixed among mankind. If such a course of things does not convey the recognition of a moral and equitable right of property, superseding any purely legal right which may by possibility have existed, nothing in human affairs can be looked upon as fixed, settled, stable, and permanent. This ordinance has accordingly been framed in order to relieve the people of that country from those evils which the tenures heretofore observed there inflict on it. There is no attack made on the form of the ordinance which complies with the report of Mr. Buller, and the assent, as far as it could be collected, of the censitaires. If the rev. Prelate should be induced to carry into effect that which he seems to hold forth, and to bring forward this question in a manner which would lead to a vote of a more decisive character, I do think that, on consideration, your Lordships will feel that this ordinance is the best mode in which the matter could be settled, and that it will be your Lordships' duty not to advise her Majesty to

withhold her assent from it. The rev. Prelate has taken a great many objections to the ordinance, such as that it was contrary to the powers of the Canadian Act. For these assertions he has given no ground whatever. He has also stated that to make this body an ecclesiastical corporation is contrary to the fundamental principles of the constitution. I must say I cannot go along with the reasonings of the rev. Prelate. I do not think there is anything in his objection; nor do I think there is any weight in the objection founded on the act of union, because, unquestionably, the act of union relates to the property of the Crown at the time of the passing of that measure; whereas this property had, previously to this act, been surrendered by the Crown by this ordinance. The rev. Prelate says that there is on our part a disposition to favour and assist the progress of the Church of Rome. I can only, of course, simply deny that any feeling of that kind exists amongst the Government; and shall merely add to that disclaimer the opinion, that the slight matter he has mentioned of the accidental recognition of the title of the Bishop of Quebec does not, I think, form a sufficient foundation for so grave a charge. The rev. Prelate says the Church of Rome is making great strides and encroachments, and that she encounters but a weak and feeble resistance. There may be a disposition on the part of the Church of Rome to make great strides and encroachments on the civil power. I do not deny that there is such a wish; but is that inclination quite confined to the Church of Rome? Is the Presbyterian Church of Scotland very feeble in her demands at the present day? Is the Church of England quite free from a tendency to encroachments upon temporal authority, or unaffected by the spirit of domination? Can we forget the rev. Prelate's speech on the Church Discipline Bill? Have we not heard his speech to-night, in which he broadly lays down the doctrine that there are matters which the Parliament may settle by force, but which are above its moral jurisdiction? That, to my mind, looks very like a domineering principle; and if the rev. Prelate had generalised his opinion and stated that at the present moment all the ecclesiastical bodies and persuasions were aspiring to extend their power and influence, I should perhaps not be inclined to differ very widely from him. I trust that, not-

withstanding the elaborate and powerful speech of the rev. Prelate, your Lordships will be of opinion that this is a fair settlement of a difficult question, and that you will be extremely unwilling to interfere with that which may have a very material effect, either in confirming that tranquillity or disturbing the rights of the inhabitants of an important part of the British empire.

The Duke of *Wellington* must say that the House should feel indebted to the right rev. Prelate for bringing this question forward, and for throwing so much light upon it. The manner in which the attention of the House had been called to it would enable it to decide whether or not they were bound to take further steps in the matter. He must say that the noble Viscount did not, in his opinion, do exact justice to the arguments of the right rev. Prelate, particularly that with respect to the first part of the speech, in relation to the consideration of the ordinance in the Council of Lower Canada. It was perfectly true that, in the consideration of every legislative question, there was generally a great difference of opinion. There was this difference, however, in this question, the noble Viscount had passed over what the right rev. Prelate had so ably dwelt upon, namely, that this question had been considered by the Council, which had met under the actual superintendence of the Governor-general,—that the representative of her Majesty had presided over this council. All those irregularities had been noticed by the right rev. Prelate—namely, that this measure had been passed under the Governor-general's view; that he had knowledge of every debate that related to it, and that it was he who had actually to urge the adoption of this measure, notwithstanding all the objections which he had to it, as stated at length by the right rev. Prelate, and to which he (the noble Duke) must say no answer whatever had been given by the noble Viscount. There was no doubt that that body had been made a corporation—a Roman Catholic corporation—by means of that ordinance; yet, until that property had been legally vested in them by the ordinance, they had no legal right whatever to it. True they had an equitable right, which was recognised by the commissioners, and that title the noble Viscount seemed to consider as very high in the discussion of this question.

Nor did he mean to enter any objection to the validity of that title; but he did say, that neither was the seminary itself a legal body, nor did it possess a legal property, and that in order to legalise it and enable it to convey that property to any one else, the Government were obliged to create the seminary a corporation, whereas, if that ordinance had not been made, and that corporation had not been created, the property would come to her Majesty, and her Majesty would convey those seignories to whom and for what purpose she pleased. He was very much struck, he must confess, when first he read the petition and the ordinance relating to this subject; he was very much struck by the total departure it evinced from the principle of the Reformation; a principle untouched up to this moment. And he entreated their Lordships, whatever they might think on the subject of this ordinance or other questions—he entreated the attention of their Lordships and of the British public to this, that this ordinance was the first blow openly struck by authority at the principles of the Reformation; principles hitherto upheld, particularly throughout Canada, from the period of the conquest down to the present moment. He felt strongly on this point the moment he saw the petition and the ordinance, and he still continued to feel strongly on the subject since he had heard the right rev. Prelate state that it was the Governor-general, not a Member of the Legislative Council, but the Governor-general of the province, who brought forward this measure, acting on the part of the Queen, whose rights, interests, and prerogative it was his duty to protect, and which he should have protected in the Legislative Council. Upon these grounds he (the noble Duke) felt strongly on this question; not the less so, as to all those points the noble Viscount had given no answer whatever. In considering the results of the Act of Union passed in the last Session, their Lordships should therefore pause, and hesitate before they abstained from the performance of the duties they were called upon to perform in relation to this ordinance; for no doubt all the property of the Crown, whether in possession or in reversion, was placed by the Act of Union at the disposal of the Canadian Assembly. The noble Viscount had given no answer to the circumstances adduced respect-

ing the commission of inquiry, which discovered the equitable title to this property as being vested in the seminary of Saint Sulpice, which discovered also that the Crown possessed the valuable reversion of this very property, and which reversion was now to be disposed of by the Assembly of Lower Canada. Surely the noble Viscount, in setting up the importance of the commission in such strong language, must have made some mistake, which it was to be hoped he would explain. Now the fact was, the Government had made over this property to be disposed of by the Assembly of Canada, under the Act of Union, and they had no right now to dispose of it under an unconstitutional ordinance, which ought not to have been passed even on other grounds. All these were important points, calling for their Lordships' consideration. He felt obliged to the right rev. Prelate for having pointed out where they could find information on this question, and also for the luminous statement on the whole case which he had made that evening. But it rested with their Lordships to consider, between the present time and the next ten or twelve days, whether or not they would proceed further in the performance of those duties which they were empowered to execute respecting this question. He (the noble Duke) was one of those who thought that the union of the two provinces last year was premature—he thought that circumstances had not as yet prepared the country for the union; but he was unwilling to pledge their Lordships to adopt his opinions; and he was unwilling even now to press their Lordships to adopt his views on this occasion. But again he entreated their Lordships to avail themselves of the few days that were yet at their disposition to consider well before they concluded an act which invaded some of the most important principles that ever came under the attention of a British Parliament—some of them relating to the religion and the religious institutions of the country as established at the time of the reformation, and which had remained untouched up to the present moment.

Petition laid on the Table.

Adjourned.

HOUSE OF LORDS,

Friday, March 5, 1841.

[MINUTES.] Petitions presented. By the Bishop of Hereford, from the Guardians of the Hereford Union, for an alteration of the Poor-laws.—By the Bishop of London, from Finchfield, against the Grant to Maynooth.—By the Earl of Rosebery, from the Town-Council of Edinburgh, for an alteration in the Import Duties, and from Medical Practitioners of Stirling, for Medical Reform.—By the Duke of Buckingham, from Saint Eval and Saint Coval, Cornwall, against the Repeal of the Corn-laws.—By Lord Strafford, from Rathmullan, for the Abolition of Patronage in the Scotch Church.

[CHURCH OF SCOTLAND.] The Duke of *Argyle* wished to state to their Lordships that if no other Peer undertook the task, he should feel it to be his duty to introduce a bill upon the subject of patronage in the Church of Scotland.

The Earl of *Aberdeen* observed, that the bill which he had brought forward in the last Session of Parliament upon the subject of Church patronage, had had the advantage of the support of the noble Duke. He took it for granted, therefore, that the measure which the noble Duke now proposed to introduce could not be very materially different from that which their Lordships had already considered. To any proposition coming from the noble Duke, he (the Earl of *Aberdeen*) should be disposed to pay the utmost attention. At the same time, he could not help saying, that he thought the noble Duke would find the task he proposed to undertake somewhat more difficult than he was at present aware of. He (the Earl of *Aberdeen*) knew it had been said, and by some of the leaders of the General Assembly, that there were ambiguities in the measure which he (the Earl of *Aberdeen*) had introduced, which, of course, might be removed by any subsequent measure brought forward by the noble Duke. If the noble Duke thought fit to introduce a bill for that purpose, it should receive his (the Earl of *Aberdeen*’s) most respectful attention. With respect to the anti-patronage desire, on the part of the dominant party in the Church of Scotland, he could only say, that he most cordially wished, that the noble Duke might be right, and he wrong upon that point. He was, last year, of the same opinion as the noble Duke. At that time, he believed, that the dominant party did not wish for the abolition of patronage; and he expressed that conviction over and over again, in their Lordships’ House, fully believing the declarations, that were made to him upon the subject. But when he

now saw synod after synod, and presbytery after presbytery, all adopting by large majorities petitions praying for the total abolition of patronage, whilst in the last Session of Parliament, the very same parties contented themselves by limiting their prayer to the point of non-intrusion, he could not but think, that a complete change had taken place in the views of the dominant party in the Church, and that their desire now was for the abolition of patronage alone. There was not a petition presented to the House in the course of the present Session, that did not pray for the total abolition of patronage. When the noble Duke mentioned, that he had been in communication with a deputation of the committee of the General Assembly, by whom he was informed, that the desire of the dominant party did not extend to the total abolition of patronage, he asked him who those deputies were, and the noble Duke mentioned the names of two gentlemen who particularly described themselves as not entertaining a desire for the abolition of patronage. Now, in August last, a great public meeting for the abolition of patronage took place. At that meeting violent resolutions were adopted. The meeting pledged themselves solemnly, before the face of God and man, to use their utmost endeavours to procure the abolition of patronage, and an association was formed, whose exertions were to be confined to that object alone, all secular objects, as they called them, being laid entirely aside. Upon the committee appointed to carry those resolutions into effect, and to form other similar associations throughout Scotland, he found the name of one of the two gentlemen mentioned to him by the noble Duke. Again, he found, that so late as the last week of November, 1840, the presbytery of Edinburgh met, and a motion was made by a very influential person, in a very violent speech, for the abolition of patronage:—

“The question of patronage, (said this speaker), was now thrown loose from the difficulties which were formerly said to attach to it. Formerly anti-patronage men were met with a cry, that they were making a change—that it was impossible to get a suitable settlement, and a great many weak pretences; but all these were now out of place—they were now in a situation in which they would no longer tolerate patronage; but were compelled to go to Parliament and demand its abolition.”

Now, both the rev. gentlemen mentioned by the noble Duke were present at that

meeting, and voted for the motion. How, after that, they could assure the noble Duke, that they did not desire the abolition of patronage, he was at a loss to conceive. From the circumstances to which he had alluded, coupled with many others, he had been led to draw the inference, that the non-intrusion feeling had given way to an anti-patronage feeling in the minds of the dominant party in the Church of Scotland. He sincerely hoped, that they might be ashamed of the course they had taken, and that the noble Duke might be right in his estimate of what their wishes really were. If so, no one would be more happy than he to assist the noble Duke in legislating upon the subject.

The Duke of *Argyle* thought it very extraordinary that he should have received such strong assurances from the gentlemen to whom he had referred within the last ten days. If the dominant party in the church should continue to press their views upon the subject of non-intrusion without aiming at all at the abolition of patronage, he should certainly feel it to be his duty to bring forward a measure in the course of the Session.

MASQUERADES.] The Bishop of *London*, seeing the Lord Chamberlain of her Majesty's household in his place, begged to put a question to him respecting certain performances which, as he was informed, had lately been given at Drury-lane theatre. Their Lordships would be aware that formerly dramatic representations were not allowed to take place at the larger theatres on Wednesdays and Fridays in Lent. Two years ago, in consequence of a motion in the House of Commons, the practice was altered, and dramatic performances were now allowed every evening during Lent, with the exception of Wednesday and Friday in the first and last week. He was not then going to express to their Lordships the feeling with which he viewed that vote of the House of Commons. He looked upon it as a hopeless task to seek the revocation of it, and therefore would allow it to pass without comment; but he believed it was not understood at the time that the House of Commons came to that vote, that the leave to keep the theatres for dramatic performances was to extend to another kind of performances of a far more objectionable nature, namely, to masquerades or *bal masqués*, one of which had already taken place, not, it was true, upon

a Wednesday or Friday, but upon a Monday, during the present season of Lent. It mattered not much upon what day an act that could not be redeemed had taken place; but it became of greater importance, in his view of the question, when he knew that it was to be repeated, he believed, that very evening at the same theatre. If that were really the case—if an exhibition of this nature were again to take place, he hoped it would be without those offensive circumstances to which he was about to direct their Lordships' attention. The exhibition of last Monday week was not merely a *bal masqué*, of the nature of which, indeed, he (the Bishop of London) professed himself entirely ignorant; but a species of entertainment in which a variety of performances were combined, connected with some of which there were, as he was told, circumstances of gross and offensive indecency—so gross and indecent, indeed, that they were received with the hisses and clamours of the more respectable part of the audience. But it did not appear that the disapprobation so expressed produced the desired effect. One of the offensive performances to which he alluded was exhibited in the feats of a troop of French dancers and prostitutes. This performance was so utterly at variance with all that, he was happy to say, the respectable part of the community in this country still considered decent and proper, that they would not tolerate it. It was loudly condemned even by the very class for whose entertainment it was prepared—relaxed as the morals of that class unfortunately were. These performances on Wednesdays and Fridays, during Lent, were not tolerated in Roman Catholic countries, and he hoped that Protestantism in this country would not so far relax its severer features as to allow the feelings of the people to be shocked and their morality to be undermined by the exhibition of performances which even Roman Catholic countries would not allow at this sacred season of the year. He regretted to say, that the Protestant religion of late years had fallen very far short of the strictness of the Roman Catholic in these respects; he hoped it would not be permitted to fall still lower. Hitherto it had been considered that the Lord Chamberlain of her Majesty's household had the power of preventing improper performances at whatever time they might be appointed to be represented. It appeared, however, that the authority of that officer, as applied to entertainments of the

nature of those of which he was now speaking, was questionable. It was also very generally considered, but without the least foundation, that a person holding the station which he held in the Church, had authority to prevent performances of an improper kind. That was a complete mistake: he had no authority of that kind. All that he could do when he heard of any improper performance at the public theatres was to communicate with the Lord Chamberlain, and to request that officer to take the necessary steps to suppress it. And in justice to those who had filled the office of Lord Chamberlain during the time that he had held the see of London, he must say that no representation of his, relative to dramatic performances had ever been unattended to. From the noble Earl who now filled the office, every communication that he had felt it his duty to address to him upon such subjects had invariably been met with the readiest and promptest attention. He was anxious, on this occasion, not only to express the opinions which he entertained of the demoralizing effects of such representations, upon the habits and character of the middle and lower classes; not merely to enter his protest, as a minister, against any permission on the part of a Christian Government to such performances; but to vindicate himself and the Government in the eyes of the Christian public, and to give the noble Earl an opportunity of stating, as he was sure he would be able to state, that the performance to which he had alluded had not taken place with his permission or sanction, and that if it were repeated, it would be at least with his decided disapprobation, if it were not in his power to visit the offenders with punishment.

The Earl of *Uxbridge*, in answer to the question of the right rev. Prelate, begged to state that the performance of the 22nd February, to which the right rev. Prelate had referred, took place, not only without his sanction, but even without his knowledge. His attention was first called to the subject by the announcement of a second entertainment of a similar kind. He then desired a letter to be written to Mr. Dunn, the secretary of the Drury-lane committee, of which he held a copy in his hand. The noble Earl read the letter to this effect: that the Lord Chamberlain's attention having been called to a bill announcing a masquerade at Drury-lane theatre, for Friday evening, he (the Lord Chamberlain) desired to intimate to the committee, that

no licence had been granted by him for such performances. That letter was written by Mr. Martin, the chief officer in the Lord Chamberlain's office, on the 1st of March. On the following day he received a reply from Mr. Dun, to the following effect:—That the committee had done the utmost in their power to meet the object of the noble Earl, and had endeavoured to obtain a postponement of the performance to some other evening. They regretted, however, that the difficulties of obtaining such a postponement were found to be quite insurmountable. They begged to observe, that the performance partook more of the character of a private ball than of a public masquerade, and they submitted that it fell within the class of entertainments allowed to be performed on Wednesdays and Fridays in Lent. They added, that no pains should be spared to bring the entertainment within the strictest bounds of decorum. He considered that letter quite satisfactory, and hoped that the information which the right rev. Prelate had received as to the character of the last performance was much exaggerated. He (the Earl of *Uxbridge*) could only say, that he had done the utmost in his power to check any improprieties that might attach to such performances, but he had no authority to suppress them. The Act 25 George 2nd, c. 28, which empowered the Lord Chamberlain to grant licences for dramatic performances made no provision and gave him no power for repressing entertainments of the class to which the right rev. Prelate objected. In the present case, therefore, the Lord Chamberlain was powerless.

The Bishop of *London* said, it certainly appeared that the noble Earl had done all in his power; but if it were not in the noble Earl's power to remedy glaring abuses of this nature, then he must complain of the state of things which placed it out of the Lord Chamberlain's power. The character of the performances given by one evidently not fastidious upon matters of this kind was thus described in the columns of the *Morning Post*:—

"Each successive masquerade clearly convinces us that England is not yet ripe to this sort of amusement. There were all kinds of dresses, splendid and fantastical, Turks, Greeks, Romans, Yankee Doodles, Hindoos, and even the 'ecclesiastical,' which Byron tells us was prohibited at Venice when Beppo ogled his wife. But the one thing wanting was the joyous spirit of raillery and repartee, which is only to be met with in the *foyer* of the *bal de l'opera*. There was nothing either of the

humour, but much of the objectionable, to revive our reminiscences of the *Bal Chicard*; and an improper and injudicious attempt made by some French *canaille* to introduce the *Can Can* was very properly nipped in the bud by loud and long-continued expressions of disapprobation from all sides of the House. In fact, the gestures were such as the *Charivari* says are *défendus par la charte et la decence*, and would not even be tolerated at the *Chaumiere*; but these ill-advised denizens of Paris not having the fear of the gendarmes before their eyes, fell into the error of taking liberty for licence, and conducted themselves in such a manner as to elicit the public expression of disapprobation to which we have referred."

If the Lord Chamberlain were powerless in a matter of this kind, he thought, that it would be the duty of the noble Marquess who presided in the Home Department to inquire whether the law did not provide the means of repressing annoyances of this nature, and whether the Attorney-general should not be directed to take the necessary steps to punish the offenders. For his own part, from what he had heard of these performances, he entertained no doubt that they ought, in the strict sense of the word, to be regarded as dramatic entertainments, and thereby to come within the provisions of the statute, 25 George 2nd. At all events he thought that the noble Marquess, the Home Secretary, ought to take the advice of the law officers of the Crown upon the subject.

The Marquess of *Normanby* would certainly make inquiries upon the subject. If exhibitions of an indecent nature were made at the theatre, he had no doubt but that the law would furnish the means of punishing those who were engaged in them. The matter should be inquired into.

The Earl of *Glengall*, as chairman of the committee of the theatre, might, perhaps, be permitted to say that when the committee became aware that that lessee was about to give masquerades, they recommended that such exhibitions should not take place, but under the lease which they had granted they had no power of preventing them. That lease would expire to-morrow. When the committee learnt from the reports in the newspapers, that conduct of an improper character had been pursued by some of the people who assisted at the entertainment, they immediately made inquiries upon the subject, and were informed that the reports were very much exaggerated. However, they insisted upon it, that if the masquer-

ade were repeated on Friday evening, or any other evening, such performances as those, which had excited the disapprobation of the audience, should not again take place, and they received an assurance from the lessee that such representations should not be repeated. He had no doubt that that assurance would be faithfully acted upon. The committee were exceedingly anxious before and after the receipt of the letter of the Lord Chamberlain, to prevent any entertainments whatever on Wednesday and Friday evenings, during Lent; but though they were unable to accomplish that wish, it was understood between them and the lessee, that no performance should take place that could in any respect be considered as indecent or indelicate.

Subject at an end.

POOR-LAWS (IRELAND).] The Earl of *Glengall* rose, pursuant to notice, to move for copies of correspondence between the Poor-law commissioners and landowners at Clonmel. For the last forty years no measure of greater importance had passed than the act which gave Poor-laws to Ireland, and it was of the utmost consequence that those laws should be administered with impartiality. He wished he could believe, that such had been the line of conduct pursued by the commissioners, but he thought he should be able to prove that such was not the case. The subject comprised two parts—one, the conduct of the commissioners with respect to the appointment of the returning officer; the other, the result which ensued from that conduct. On neither of these points did he think the commissioners had acted with impartiality. He thought the commissioners had neglected their duty in the appointment of a violent political partisan, and in refusing all inquiry, by means of which heavy legal expenses had been saddled upon the Clonmel union. The noble Earl concluded by moving for certain papers connected with the subject, including the correspondence that had taken place between the Poor-law commissioners in Ireland, and the guardians and landowners of the Clonmel union.

The Marquess of *Normanby* regretted that his noble Friend had given no notice of his intention to bring the subject before their Lordships. A few days would have enabled him to communicate with the Poor-law commissioners. He was per-

fectly ready to listen to any suggestion for the appointment of a better class of returning-officers, and he had no objection to the production of the papers when they should be necessary for the public service.

The Duke of *Wellington* said, that, considering all that had passed upon the subject of the Poor-law, and the confidence expressed by many of their Lordships that the commissioners would fairly and honourably exercise the powers intrusted to them, he thought that those officers would have properly fulfilled their duty. He would now give notice that on Monday he would submit a motion to their Lordships for an exact copy of the minutes of the Poor-law commissioners, under the particular clause of the Act of Parliament under which, he said, all the correspondence ought to be recorded. He thought it necessary that their Lordships, should be furnished with an exact copy of those minutes in order to show how these mistakes had arisen. Such matters required explanation. He had supported the measure, and many noble Lords had done the same, in the full confidence that it would be fairly and properly carried into execution. He, for one, had been greatly disappointed with the working of the measure, and he felt certain that it was owing to the Poor-law commissioners not having performed their duty. With that he charged them, and he should make his motion on Monday, in order to show their Lordships how one clause of the act had been carried into execution, and that their Lordships might be able to trace every act of the commissioners to its origin.

The Marquess of *Normanby*: Would the noble Duke have any objection to postpone his motion until Thursday, for the purpose of allowing time to communicate with the Poor-law commissioners.

The Duke of *Wellington*: Thursday be it.

Lord *Ellenborough* said, it appeared to him, upon looking over the papers handed to him by his noble Friend (the Earl of *Glengall*), to be doubtful whether their Lordships ought to be satisfied with an explanation proceeding from the noble Marquess. It appeared that a gross breach of privilege had been committed, deserving the severest punishment. There was an official letter, of which a copy had not been given in the return, and a letter was

inserted in the return which had never been sent.

The Marquess of *Normanby* admitted that a *prima facie* case for explanation had been made out. If a satisfactory explanation should not arrive, it would be for their Lordships to decide what ulterior steps should be taken.

The Earl of *Glengall* said, with regard to due notice not having been given, their Lordships would remember that last year the case of the *Clonmel* union had been entered into twice at considerable length, and then no satisfactory explanation had been given.

Motion agreed to.

Adjourned.

HOUSE OF COMMONS,

Friday, March 5, 1841.

MINUTES.] Bill. Read a first time:—Evidence.

TEXAS.] Mr. *O'Connell* said, that he should not bring on his motion respecting Texas till after Easter. A copy of the treaty between this country and Texas not having been laid on the Table, he wished to ask the noble Lord, the Secretary of State for Foreign Affairs, whether he were prepared to state that any provision was made by the treaty to meet this case, namely, the Texian government did not permit any free person of colour to reside in Texas. That was one of the articles of the constitution of Texas. As the noble Lord was entering into a treaty with Texas, he wished the noble Lord to state, whether any provision had been made to have that law mitigated, so that British free subjects of colour might be permitted to reside in that country.

Viscount *Palmerston* said, that the treaty to which the hon. and learned Gentleman had alluded, had not yet been concluded, and all that he could now state was generally this—that the treaty applied only to the commercial relations between the two countries, and did not go into any other matter.

RAILWAYS.] Sir *Robert Peel* wished to ask the right hon. Gentleman, the President of the Board of Trade, on what day he thought it probable that the bill for the regulation of railways (the report on which stood for consideration to-night) would really be brought again under discussion?

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Mr. *Labouchere* said, it was not his intention to bring on the subject that night, but he should hope to be able to do so that day week. He could not, however, positively mention the day now.

Sir *Robert Peel* observed, that the bill was one of very great importance, as it proposed to give extended powers to the Board of Trade for the regulation of railways. Strong apprehensions were entertained by many persons who were largely interested in railroads respecting the extent of those powers. He himself was very desirous that the bill should be passed into a law with all convenient speed, consistently with that caution and deliberation which the public interests required. A petition had been intrusted to him from parties who were apprehensive, that the powers proposed to be conferred on the Board of Trade, particularly by the 11th clause of the bill, would injuriously affect their interests. They were opposed to that clause on two grounds—first, because the powers to be given to the commissioners were vague and indefinite, and next, that they had a tendency to divide the responsibility between the directors of the railway companies and the Board of Trade. He was afraid, that if the bill should be read a second time, and then be referred to a select committee at some distant day, it would greatly impede its progress, he had, therefore, been requested to ask the right hon. Gentleman to consider, whether it were not possible to appoint, in the interval between the second reading, the bill being committed generally, and without causing any delay, a select committee, to whom the single question involved in the 11th clause might be referred, in order that they might consider whether it were possible to give some certain definition of the powers to be vested in the Board of Trade. This would afford the parties whose interests he now represented an opportunity to state their case, and to explain the grounds of their apprehensions as to the extensive nature of the powers which the bill, as it at present stood, would confer on the commissioners. The appointment of such a committee for such a purpose would preclude any protracted delay in the proceedings, while at the same time it would be permitting those parties, who upon the whole had invested upwards of sixty millions sterling in railways, to state their case, and to hear the case on the other side.

He thought, if the right hon. Gentleman would take some such course, it would be quite satisfactory to persons engaged in these great and extensive undertakings.

Mr. *Labouchere* would be very unwilling to give his consent to any measure which would occasion delay in the progress of the bill, at the same time he was anxious that the point referred to by the right hon. Baronet should be fully discussed, though he must say, that considering the very ample information already before the House upon the subject, and the additional information which he had this very day laid upon the Table of the House, it was with a very great deal of unwillingness that he listened to a proposal for any further delay. If, however, he could be satisfied, that it was possible to refer the bill to a committee for really considering the point mentioned by the right hon. Baronet, and not for the purpose of delay, he should be sorry to throw any obstacle in the way of such a course. He would consider the whole subject between this and Monday, and he should then be prepared to state what course he would adopt.

Sir *Robert Peel* would not countenance any step that had for its object the impeding of the progress of the bill. He should be opposed to any unnecessary delay, and if he saw any tendency in the proposal he had been requested to make, on behalf of those interested in railways, to delay the measure, he would withdraw from all participation in the matter.

LORD KEANE'S ANNUITY.] The Order of the Day for bringing up the report of the committee on Lord Keane's Annuity Bill having been read,

Mr. *Hume* said, that before the report was brought up, he wished to make some observations which, he hoped would induce the House to postpone any further proceedings with the bill. The bill had inserted in it a grant of 2,000*l.* a-year to be paid out of the consolidated fund, to Lord Keane and his two next male heirs. He wished the House to consider the peculiar circumstances attending this bill. He would state what had been the usual course on making grants of this description. On several occasions of this kind it had been the course for her Majesty, by message, to suggest her desire that the House should confer some signal mark of their liberality on certain individuals, and what had been the invariable rule in those cases? He

would take the case of Lord Seaton as an example. On the 23d of March last, a message came down from her Majesty, recommending that some special favour should be conferred by the House to Lord Seaton and his two next surviving heirs. Notice was then given that her Majesty's message should be taken into consideration. On the 30th of March it was taken into consideration; and although a great deal of opposition was made by him to the grant, yet the House concurred in the proposition made by the Government, and voted 2,000*l.* a-year to Lord Seaton and his two next male heirs, and the bill passed into a law. He now begged to call the attention of the House to what had taken place with respect to Lord Keane. No message came down on Sir John Keane being made a Baron agreeably to the general practice; and a question was asked why that course had not been taken. An attempt was made to explain the reason why the delay had taken place, and it was said that her Majesty's Ministers had not made up their minds as to making a recommendation in favour of Lord Keane having a grant from Parliament, it being thought that the East India Company should give a pension to his Lordship, his services having been rendered in India. A correspondence took place between the Board of Control and the East India Company on the subject. He was not in possession of any documents, but he would state under correction if wrong, that it was admitted that an application had been made to pay out of the East India Company's fund an annuity to Lord Keane, and it had been admitted, also, that the East India Company did not think fit to comply with that proposition, but considered that it would be more honourable to Lord Keane if the money came out of the consolidated fund. Now the point he had to submit to the House was, that they ought not to bring up the report until they had a copy of that correspondence laid before them. He had given notice of a motion for its production, and he trusted the House would not proceed with the bill until that information was furnished; for he was strongly of opinion that the grant ought not to be made out of the consolidated fund. Lords Cornwallis and Wellesley had obtained annuities from the East India Company, voted in open court out of their own funds. He submitted that the House was not in a condition to receive the report until the correspondence between the Board of Con-

trol and the Court of Directors was upon the Table, and the delay of a week for that purpose would be of no consequence. Then it would be seen what reasons Ministers had assigned in order to induce the East India Company to do in this instance as they had done in various others. An individual had this morning put into his hand a calculation, by which it appeared that every pound sterling granted for three lives, or fifty years, cost the public no less than 209*l.*; so that the 2,000*l.* a-year, at the end of the three lives of Lord Keane and his two next successors, would have amounted to no smaller a sum than 418,000*l.* He moved, as an amendment,

"To leave out from the word 'be' to the end of the question, in order to add the words 'postponed, until the correspondence which has taken place between the President of the Board of Control and the Court of Directors of the East India Company, or with the secret Committee of that Court, respecting the services of, and the granting an annuity to, Lord Keane, be laid before this House, in order that the House may be in possession of the reasons why the Court of Directors refused to grant any annuity to Lord Keane from the funds of the East India Company; and the reasons which determined her Majesty's Ministers to recommend the proposed annuity to be paid out of the consolidated fund.'"

Lord J. Russell submitted that the hon. Gentleman had made no case for an interruption of the proceedings in the present bill. He had no hesitation in admitting that there had been a correspondence between the President of the Board of Control and the directors of the East India Company, and that his right hon. Friend had asked a question of the company. The result of the correspondence was, that the directors stated, it was not usual for the East India Company, in cases of this kind, to confer grants of pensions; that they could not grant any such rewards beyond the period to which their charter extended; and that it was not their intention to move on the subject. His right hon. Friend had not urged the directors to do anything; all that he had done was, to inquire into their intention. The House had heard from an hon. Member of that House, who was also a member of the Court of Directors, his reasons for the opinion that the East India Company ought not to be called upon to grant this reward in the case of Lord Keane. That hon. Member had said truly, that the East India Company, or

rather the people of India, contribute largely to the support of the Queen's army in India, and that, in his opinion, it would be better to take the usual course in this case, namely, that the reward for services should be provided out of the funds of the country. It was not to be denied, that vast sums were paid for the expenses of our army in India, and how far that was or was not a good ground why the directors should not entertain a question of this kind, he (Lord J. Russell) did not mean to argue, but his opinion clearly was, that the Court of Directors, not thinking it their duty to move in the matter for the reasons stated by the hon. Member, it would be totally unbecoming that House to stand huckstering and chaffering with the East India Company whether the services of Lord Keane, which were recognised and acknowledged by all, should be rewarded or not. The reasons alleged on the part of the directors of the East India Company might be perfectly good—it might not be the usual course, but whether their reasons were good, or whether they were insufficient, it would be unjust to Lord Keane, and degrading to Parliament to make this a matter of bargain, of compromise, or of barter, between the East India Company and that House. The correspondence alluded to, was not so far an official correspondence as to urge anything which his right hon. Friend would have had the power officially to enforce, but even if it were produced, it would add nothing to the information already possessed by the House. They had the fact of the correspondence having taken place, and the House might proceed upon that knowledge. If the House thought that the merits of Lord Keane were deserving of a reward from Parliament, he trusted this country was not reduced to a state in which that House should be obliged to try to throw the onus on the East India Company; and if they did not choose to do anything, that Lord Keane should be left without a reward of this kind, and the House should content itself with saying, that the East India Company ought to have done it. This was a case in which the services and merits of the individual were universally admitted, for in the debates which had taken place last year, from the Duke of Wellington down to the hon. Member for Kilkenny—all were agreed in a general acknowledgment of the merits of Lord

Keane. He therefore saw no occasion for delaying the vote on this subject, and he hoped the House would not consent to delay it.

Mr. *Milnes* said, that after the measure had proceeded so far, no good end could be answered by delaying it farther, as it appeared the House had no power of compelling the East India Company to act in the matter. He hoped, however, that her Majesty's Ministers would remember how severely this grant had been contested, and would hereafter be cautious how they came down with recommendations of similar grants in the present state of the finances of the country. The question was, whether in the present state of the finances of this country, and after the very severe revision to which the pension list was subjected, a little while ago, (which revision he opposed, and which was surely very unnecessary if it led to no other result than this), her Majesty's Ministers should come down to this House and propose a grant of the public money to a person who was successful in one campaign, of the very same amount that was given to Lord Nelson. If her Majesty's Ministers did this, then he would say, that the principles of economy professed by them were not carried out in their practice. He believed that the present Lord Nelson was the last who would receive that pension, and that on his death his family would be left with the great and glorious name of their renowned ancestor, unaccompanied by a grant of public money.

Sir *H. Verney* considered, that the opinions of the hon. Member for Kilkenny were founded upon principles that were entirely fallacious. The great object of the expedition under the command of Lord Keane, was to put an end to the intrigues which were carried on by Russia in central Asia. Since the act of 1833, the East Indies had been thrown open to British enterprise and British capital, and to the emigration of British-born subjects; and he thought, that those who were engaged in improving the resources of that great and important part of our dominions, should be protected from the designs and intrigues of any foreign power. He should support the grant proposed.

Lord *Stanley* wished to draw the attention of the House to the observation made by his hon. Friend behind him (Mr. *Milnes*), and which should be set right,

with regard to the amount of pension granted to the family of Lord Nelson. He said, that the pension to be conferred on Lord Keane would be the same in amount as that conferred on the family of Lord Nelson. He believed, that when Lord Nelson was made a Peer, the pension granted to him was 2,000*l.* a year; but afterwards there was conferred on him and his family for ever an annuity, not of 2,000*l.*, but of 5,000*l.* a year; and two sums of 90,000*l.* and 20,000*l.* were vested in trustees for his family. Annuities were also granted to his sisters, and a power given to settle jointures upon them. Thus it would be seen that Lord Keane was not placed, even in point of pecuniary reward, on the same footing.

The House divided on the question that the words proposed to be left out stand part of the question:—Ayes 127; Noes 35: Majority 92.

List of the AYES.

Adare, Viscount	Greene, T.
Alston, R.	Grey, rt. hon. Sir G.
Antrobus, E.	Hardinge, rt. hn. Sir H.
Baines, E.	Harland, W. C.
Baker, E.	Hobhouse, rt. hn. Sir J.
Barnard, E. G.	Hobhouse, T. B.
Bernal, R.	Hodges, T. L.
Blennerhasset, A.	Hodgson, R.
Bolling, W.	Hogg, J. W.
Botfield, B.	Holmes, W.
Bramston, T. W.	Hope, hon. C.
Broadley, H.	Hope, G. W.
Broadwood, H.	Howard, hn. E. G. G.
Bruce, C. L. C.	Howard, hn. C. W. G.
Buller, Sir J. Y.	Hughes, W. B.
Busfield, W.	Hurt, F.
Campbell, Sir H.	Irving, J.
Campbell, Sir J.	Jackson, Mr. Sergeant
Chichester, Sir B.	James, Sir W. C.
Clay, W.	Jenkins, Sir R.
Clerk, Sir G.	Johnstone, H.
Clive, E. B.	Jones, J.
Clive, hon. R. H.	Jones, Captain
Cochrane, Sir T. J.	Kemble, H.
Corry, hon. H.	Labouchere, rt. hn. H.
Dalmeny, Lord	Lemon, Sir C.
Davies, Colonel	Lincoln, Earl of
Denison, W. J.	Lowther, J. H.
Dick, Q.	Macaulay, rt. hn. T. B.
Douglas, Sir C. E.	Mackenzie, T.
Egerton, Lord F.	Mackenzie, W. F.
Estcourt, T.	Mackinnon, W. A.
Evans, Sir De L.	Macleane, D.
Fielden, W.	Macnamara, Major
Fitzalan, Lord	Meynell, Captain
Fremantle, Sir T.	Mildmay, P. St. J.
Gordon, R.	Miles, W.
Gore, O. J. R.	Morpeth, Viscount
Goulburn, rt. hon. H.	O'Brien, W. S.
Graham, rt. hn. Sir J.	O'Ferrall, R. M.

Ossulston, Lord	Stuart, Lord J.
Paget, F.	Stuart, W. V.
Palmerston, Viscount	Stock, Mr. Sergeant
Parker, J.	Style, Sir C.
Perceval, Colonel	Thomas, Colonel H.
Philips, G. R.	Trotter, J.
Piimney, W.	Tufnell, H.
Ponsonby, C. F. A. C.	Turner, W.
Price, Sir R.	Vere, Sir C. B.
Rae, rt. hn. Sir W.	Verney, Sir H.
Reid, Sir J. R.	Vivian, Major C.
Richards, R.	Vivian, rt. hn. Sir R. H.
Roche, W.	Waddington, H. S.
Rolleston, L.	Winnington, Sir T. E.
Rushbrooke, Colonel	Wodehouse, E.
Russell, Lord J.	Wood, C.
Rutherford, rt. hn. A.	Worsley, Lord
Sanderson, R.	Wrightson, W. B.
Seale, Sir J. H.	Wyse, T.
Seymour, Lord	Yates, J. A.
Sheil, rt. hon. R. L.	Young, J.
Sibthorp, Colonel	Young, Sir W.
Smith, A.	
Smythe, hon. G.	
Somerset, Lord G.	
Stanley, Lord	

TELLERS.

Stanley, E. J.
Maule, F.

List of the NOES.

Aglionby, H. A.	Muntz, G. F.
Blake, W. J.	Pattison, J.
Brocklehurst, J.	Pechell, Captain
Brotherton, J.	Salwey, Colonel
Bulwer, Sir L.	Scholefield, J.
Collier, J.	Stansfield, W. R. C.
Dennistoun, J.	Strutt, E.
Duncombe, T.	Thornley, T.
Dundas, C. W. D.	Turner, E.
Easthope, J.	Wakley, T.
Ellice, E.	Walker, R.
Ewart, W.	Wallace, R.
Gillon, W. D.	Warburton, H.
Hector, C. J.	White, A.
Holland, R.	Wilbraham, G.
Hutton, R.	Wood, B.
Johnson, General	
Martin, J.	
Morris, D.	

TELLERS.

Hume, J.
Williams, W.

Report received.—Bill ordered to be read a third time.

THE UNITED STATES.] On the question that the House resolve itself into a Committee of Supply,

Mr. S. O'Brien took the opportunity of adverting to the state of the relations between Great Britain and the United States. Two circumstances were alleged in the public papers which seemed to him to deserve notice. The first was, that a true bill had been found against Colonel M'Leod, on a charge of murder and arson, in the course of the discharge of his duties under instructions from the Canadian authorities;—the second circumstance was,

that the legislature of the state of Maine had passed the following resolutions :—

“That the governor be authorised to take immediate measures to remove the troops of the Queen of Great Britain, now quartered on the territory called, disputed, by the British Government, but by the treaty of 1783, by the resolutions of both houses of Congress, passed in 1838, and by repeated resolves of the Legislature of Maine, clearly and unequivocally a part of the rightful soil of this state. Resolved, that the resources of this state be, and they hereby are, placed at the disposal of the governor, and the specific sum of 400,000 dollars be and the same is hereby appropriated out of any money in the treasury for the purpose of carrying the said resolution into effect.”

He did not know what degree of authenticity belonged to these resolutions; but if they were authentic it seemed to him that they amounted to nothing short of a declaration of war against this country. He was, probably, more averse to war than any other individual in the House, and he thought a war with the United States to be particularly deprecated, since it must necessarily possess something of a fratricidal character. If, however, war did take place, Great Britain would have the consolation of knowing that it was not of her seeking. She could not, however, maintain her rank as the greatest nation of the world, if she allowed herself to be insulted, and she could not be entitled to claim the allegiance of her colonial subjects if she did not extend to them adequate protection. He had seen, on the part of the noble Secretary for Foreign Affairs, a great display of vigour to support the policy of Great Britain in a case of a more doubtful character, and he trusted that the noble Lord would indicate an intention to display, on the present occasion, some portion of the vigour he had shown in connection with the affairs of the East. The movements of the noble Lord were so secret that it was sometimes impossible for the House to ascertain the direction in which he was proceeding; but he felt it his duty, as an individual Member of Parliament, to say that he should think British interests better secured, by a strong fleet off the North American harbours, and a powerful army along the line of the British American boundary than by mere unsupported diplomacy. He left it to Government to say whether the present estimates were upon a sufficient scale to enable them to adopt the course to which he had referred; but they would be wanting in their duty to

the country if they did not come down to Parliament for adequate means to meet such an emergency; and he was sure that the House would support them in measures necessary for the maintenance of the honour and character of Great Britain in every part of the world.

Mr. *Ewart* said, that it was one thing to be armed before it was necessary, and another to be armed at the proper time; and, for himself, he did not see the necessity now of anticipating hostilities. He thought and believed that the mass of the people of the United States were in favour of peace; the majority of the people there, knew too well the general interests of the world, to wish to see peace disturbed by any unhappy collision with this country. When we were unopposed to any enemy, we should not be too anxious to vaunt of our power. He trusted that the present unhappy causes for discord would pass off without any ill consequences; and he felt that if they did, it would not only be in accordance with the wishes, but with the interests of both countries.

Mr. *Hume* hoped that the noble Lord the Secretary for Foreign Affairs, would be able to state something that would remove any prejudice that might be created by the speech of the hon. Member for Limerick. He was satisfied that there was nothing in the present transactions to call for immediate interference. They did not know that anything had taken place in these provinces except what was authorised by the municipal law, and it was too soon for the hon. Member to appeal to war till he had seen whether these transactions had been in accordance with the law of the country in which they had taken place.

House in a Committee of Supply.

SUPPLY—NAVY ESTIMATES.] On the vote of 1,282,536*l.* for naval stores, for the building, repair, and outfit of the fleet,

Mr. *Hume* enquired whether any portion of the stores, cannon and ball, landed in Syria had been supplied from the naval stores.

Lord *Dalmeny*: None whatever.

Sir *Thomas Cochrane* would recommend the Admiralty to make an addition to the number of large frigates. We had now sixteen frigates of fifty guns, of which ten were razées, whilst the neighbouring

power of France had nineteen frigates of fifty guns and upwards, besides sixteen on the stocks, making together thirty-five heavy frigates. Therefore our forty-six gun frigates would be unable to cope with the larger frigates now building abroad. In another branch, also, he hoped to see an increase; he meant the steam force, than which there was no force so likely to maintain the supremacy of this country. By the Navy List, it appeared that the number of our steam ships was forty-nine; what their size was he was unable to state, but there were only six now building. By a return which he had of the French navy, he found that they had thirty-three steamers afloat, and they were building no less than eleven. If this return were accurate, it was unquestionable that we were not building sufficient steamers to contend with that power in case of war. He hoped, therefore, that the Admiralty intended to augment the fleet, that let war break out when it might, our superiority might be as great as it had ever been.

Sir C. Adam said, that the gallant Officer had stated, that we had already a large number of frigates, and he did not differ from him that they should be ultimately increased; but what he had ever held was, that so long, as we had so large a number of small seventy-fours, the frigates were not so much needed, because he maintained that even sixty-gun frigates were not equal to seventy-four gun ships. So long as we had these line-of-battle ships we were not inferior, because the great use of large frigates was, that, sailing better than others, they could come up to the rear of the enemy's fleet and bring them to battle, and if the seventy-four-gun ships could do this they were better than frigates. With respect to armed steamers, the steam-fleet had been much increased, and the Admiralty would go on year by year building as many as they ought to do consistently with economy and with reference to the power of other states. They had launched seven this year, six or seven more were on the stocks, and they were entering into a contract for engines for six or seven more large steamers. The gallant officer and the House might therefore rest assured that the subject would not be neglected by the Admiralty.

Sir T. Cochrane differed from the gallant Admiral as to the efficiency of small line-of-battle ships instead of frigates.

Sir C. Adam said, that it should be remarked that the seventy-four-gun ships were much more efficient now than formerly, because they carried thirty-two-pounders on all their decks.

Captain Pechell said, that first the Admiralty were blamed for not launching so many line-of-battle ships, and now they were blamed for not building more steamers; both these causes could not be correct. The fact was, that at the conclusion of the last war we were left with a legacy of forty sail-of-the-line, which were then called, and still deserved the name of, the Forty Thieves, and the gallant Gentleman should know that we could not launch other ships till we had worn out these. As to steamers, the minister of marine in France had made it a matter of complaint to the chambers that the French steamers, when compared with the English, were not at all equal to them. With respect to the Gorgon, the Stromboli, the Phœnix, and the Vesuvius, there were none equal to them known abroad. If any gallant Gentleman said, that we were deficient in steamers, it would appear that he had not looked at one of the despatches from Acre, or heard of the eminent services performed by the steamers in transporting troops, and on other services, and did not know that Admiral Stopford had thought one steamer and one frigate sufficient to be left to take care of Sidon.

Sir James Graham wished for some explanation as to one item in this vote. When he had the honour to preside at the Admiralty this country was fortunately at peace, and the best relations subsisted between us and the United States; and at that time it was determined, after great deliberation, to abandon all attempt to dispute the superiority on the lakes of Canada. But he saw by the present vote, that there was a sum of 20,000*l.* entered for the building and purchase of steam-vessels in Canada. He would ask, therefore, for what purpose this purchase was to be made, and whether there was any change to be made in that policy, which he had described, of deliberately abandoning all attempts at contesting the superiority on the lakes?

Mr. More O'Ferrall replied, that no change was intended in the policy described by the right hon. Gentleman. The steamers were not armed steamers, but they were provided with the view of more easily transporting the troops on the lakes.

Mr. *Hume* had thought, that peace had been restored in Canada, and that now, when the union had been declared, they would not have heard of a vote which had not been asked in former years.

Lord *J. Russell* assured the hon. Gentleman, that the vote was not in consequence of any anticipated disturbance, or to put down any internal disturbances that might arise in Canada, but for the more easy transport of troops already there, and with regard to Lake Ontario, he thought that if there should unfortunately be, what he had no reason to suppose, any disturbance of the friendly relations subsisting between this country and the United States, he should not be prepared to say, that we ought not to have a force on the lake.

Sir *J. Graham* said, that the opinion of the best authorities, when he was at the Admiralty, was, that in case of war, the defence of Upper Canada must rest rather on the affections of the people, and on the military, than on our naval forces.

Mr. *C. Wood* said, that the change took place from the policy described by the right hon. Gentleman two or three years ago, during the time of the insurrection in Canada, and it was necessary, not for the purpose of asserting our naval supremacy, but for transporting troops. Steam-boats were, therefore, used on the Lakes Ontario and Erie, without intending any change in the general policy of entrusting the defence of the colony to the military, but as an auxiliary to that force. Hon. Members would recollect an irruption into Canada at the upper part of Lake Erie; the troops were at the junction of the two lakes, and there was difficulty in obtaining transports for them, because there were no steam-boats, except those belonging to the Americans, and they were so much engaged in the ordinary traffic, that the hire of a steamer for a year and a half or two years exceeded the original cost of the vessel.

Sir *De Lacy Evans* said, that it was most inconvenient for hon. Members to state in that House what the Government might have decided, as to a particular line of defence in any part of our possessions, in case of any future war.

Mr. *Hume* wished it to be understood by the House and the country, that we were now called upon to vote 1,282,536*l.* for naval stores, whereas the utmost that

used to be asked in time of peace was 400,000*l.* or 500,000*l.*, or at most 600,000*l.* This was the way in which the public money was expended, to keep up the naval stores to a war complement, when we were declared to be at peace. If the House chose to keep up such a large amount, he must rest satisfied with doing his duty by protesting against it. He had opposed the grant of so many men, and as that had been carried against him, it would be useless to divide against the present vote.

Vote agreed to.

On the vote of 283,788*l.* for divers naval and miscellaneous services.

Mr. *Goulburn* referred to an item of 193,000*l.* which was in the vote for Post-office expenses. He had taken the liberty on a former evening of referring to the state of the Post-office revenue, and he begged to point out that this afforded another means of estimating the manner in which the receipts of the Post-office had been swelled out. The amount charged last year was only 65,000*l.*, showing an increase of 12,800*l.*, which was caused by the Admiralty having taken a great part of the charge from the Post-office.

Mr. *Hume* hoped before long to see the Post-office so conducted as that it would not be looked upon as a source of revenue.

Mr. *C. Wood* said, that the system which had been adopted had been found to produce the best effects in relation to the carriage of letters. The expenses were now entirely paid by the amount of postage charged.

Mr. *Hume* wished to know whether there was any intention on the part of the Government to adopt any new system of telegraph between London and Portsmouth. A new plan had been suggested, by which communication might be kept up day or night, with the greatest precision and rapidity.

Mr. *M. O'Ferrall* said, that the subject had been under consideration, but as yet no positive decision had been arrived at upon it.

Vote agreed to.

A vote of 728,623*l.* was proposed to defray the expenses of half-pay.

Captain *Pechell* begged to suggest, that the case of the pay of admirals' secretaries was worthy of some attention. They were selected from among the pursers in the navy, and before the naval commission their salary had amounted to

299*l.* per annum; since then, it had been increased to 300*l.*: an amount of pay which he thought inadequate.

Sir *C. Adam* said, that the report of the commission had been acted upon, and he saw no reason for any alteration being made in an arrangement so recently made.

Captain *Pechell* wished to know whether the Lieutenant-governor of Greenwich Hospital was in the receipt of his half-pay, as well as of the amount of the salary to which he was entitled.

Sir *C. Adam* answered in the negative. It was not usual for the Lieutenant-governor of Greenwich Hospital to receive half-pay, and he knew no reason for altering the present state of things. The office was one of emolument, and although there was no doubt that the addition of half-pay might be agreeable, he did not at present feel that any reason existed for any new arrangement.

Sir *H. Hardinge* thought, that it was important that the naval and military services should be assimilated. Sir Charles Walker, the Lieutenant-governor of Chelsea Hospital, received his military pay as well as the emoluments of his office, and he saw no reason why the same rule should not be adopted in reference to Sir James Gordon, the Lieutenant-governor of Greenwich Hospital.

Mr. *C. Wood* pointed out, that the Lieutenant-governor of Greenwich Hospital, being an officer on half-pay, could not receive his half-pay at the same time as the salary of his office. The case was expressly provided for by act of Parliament which forbade the receipt of pay and salary at the same time. Sir *C. Walker* was an officer on full pay, which might account for the distinction in his case.

Vote agreed to.

SUPPLY — ARMY ESTIMATES.] Mr. *Macaulay*, in rising to bring under the notice of the Committee, the army estimates for the ensuing year, said, that the estimates at the commencement of last year, amounted to 6,163,000*l.* He had, however, felt it his duty late in the year, to bring forward a supplementary estimate of 22,000*l.*, to carry into effect the recommendation of the naval and military commission, which increased the estimates for the whole year to 6,185,000*l.* The estimate which he had now to bring under their notice, amounted to 6,158,000*l.*, or

27,000*l.* less than the amount charged upon the previous year. Of the men, the whole force charged upon the estimate of last year, was 121,112; the increase upon the present year was so slight as scarcely to require notice, being only nine men. The number of men required for the present year would therefore be 121,121 men. Of these, 29,070 were employed in India. The whole number employed by the East India Company was 29,630, but of these, 560 men were employed in England. Deducting the 29,070 men employed in India from the whole force, there would be left subject to the Mutiny Act 92,051 men. Of these, 91,491 were in the pay of Great Britain and the colonies, and 560 in the pay of the East India Company, though serving in Great Britain. Gentlemen who examined the estimates would perceive a slight increase of the regimental charges running through the whole of the estimates. The ordinary expense of a cavalry regiment was 17,001*l.*, the expense in the present estimate was 17,028*l.* The ordinary expense of a battalion of infantry was 26,415*l.*, the expense in the present estimate was 26,478*l.* The ground of the increase in the cavalry regiments was, that the adjutants of those regiments now received that advantage which the naval and military commission had recommended, and which all admitted was their due. In the infantry, the grounds of increase were two-fold: first, the adjutants of infantry regiments received the same advantages to which he had already referred as accruing to cavalry adjutants, indeed to rather a greater extent; and secondly, that it had been thought expedient to make some addition to the contingent allowances of the captains of dépôt companies in England. It had been deemed expedient, that the establishment should be kept as nearly as possible at the highest point; and he believed, that at no period in our military history had the number of effectives so nearly reached the number voted by Parliament as now. The consequence was, that the dépôt companies overflowed, and it would have been very unjust to the captains of those dépôt companies to have kept them on the small allowance received by them when the number of effective men was smaller. The next charge in which a change from last year would be perceived was in that item which provided for the pay of the men wanting in order to the completion of the effective force. Last year, he had called upon the House to vote

40,000*l.* for this purpose, but he now only asked 20,000*l.* A saving of 20,000*l.* was apparent here, the cause of which was the fact to which he had already adverted—the increase of effectives in the battalions. Indeed, he had some doubt whether he might not have made the sum smaller than that which he had estimated. He now came to the item of good-conduct pay. He was happy to hear, that during the last year the increase of men upon the good-conduct pay list was very great. Upwards of 800 soldiers had been placed on that list. The real effects of this improvement (for which they were indebted to the noble Lord who had preceded him in the office which he held), could not, however, be experienced until 1843. The immediate result was evidenced by the fact, that while the charge last year under this head was 7,640*l.*, for the present year, the estimate was 9,312*l.* Under the head of provisions, forage, fuel, light for the troops, money allowances, and contingent expenses of the regimental officers abroad, there appeared a considerable increase. The estimate for last year was 241,643*l.*, that for the present year was 270,346*l.* With respect to this increase, he would observe, that this portion of the estimate was always formed on facts. The actual expenditure of the last year formed the ground for the estimate of the next. The estimate for the year ending March, 1842, was, therefore, founded upon the actual expenditure of the year ending the 31st of March, 1840. During that year, there had been a considerable increase of expenditure in Canada, Nova Scotia, the Australian colonies, and the Cape of Good Hope. In Canada and Nova Scotia, there had been a considerable additional force, and in Australasia and the Cape of Good Hope there had been a considerable rise in the price of provisions. The House, however, would see with pleasure, that there was a reduction in the expense of this branch in regard to Jamaica. The cause of this change was the restoration there of that good feeling which had led the colonists to provide themselves for those expences which last year necessarily devolved upon this country. The next charge arose out of an innovation, from which he was inclined to anticipate the most valuable results—he alluded to the establishment of regimental savings' banks. The experiment of establishing a savings' bank in each regiment had been found most beneficial. The communications

commenced by the noble Lord, his predecessor, than whom there could not have been a more true friend to the soldier—those communications had been continued since with the commander-in-chief, and the result was, that he now called upon the House to vote 500*l.* for the interest of deposits made by non-commissioned officers and privates in those regimental banks. These regimental banks were not so much required in England, where savings' banks already existed so generally; or in Australasia, where the interest of money was so high. He was inclined, however, to think that the establishment of these regimental savings' banks would be a most valuable source of economical and respectable habits on the part of a large portion of the army stationed in our distant possessions, who were otherwise without a place of deposit, and would be disposed to spend their money in frivolous pursuits, if not in worse. Under the head of regimental contingencies there was no diminution, but rather an increase. One or two heads presented an increase, particularly in the charge for passage money from port to port in the United Kingdom, and in the charge for ferries and railway travelling. To the rise from the use of railways, he was sure the House would not object, because the saving of time achieved was, in military matters, more than an equivalent for the additional expenditure of money. The next charge was one of 395*l.* for the Royal Western Ophthalmic Hospital, in consideration of the privilege allowed the medical officers of the army to attend the lectures at that institution. This was not an annual grant—the grant annually was proposed to be 50*l.* The hospital stood on ground which was the property of the Crown, and it had been opened most liberally to the medical officers of the army. The wish of the officers of the hospital was, that the ground on which the hospital stood should be made a grant of by Government; but objections were made on the score of the claims that might be set up by other bodies similarly circumstanced. It was thought, however, that much less objection would be made to allowing a certain portion of the rent of the hospital to be borne by the department which benefited by it. 50*l.* a-year was considered a fit sum, and the vote of 395*l.* would defray that annual rental from the time when the hospital was first opened, on the 1st July, 1833. The next item was for the charges of the recruiting service. Last

year they amounted to upwards of 119,000*l.* this year they were diminished to 103,000*l.* This decrease arose from the circumstances of the army having been recruited to a very high extent last year, and also that certain charges, which had been formerly paid for the maintenance and pay of recruits until they joined their regiments, were now brought under the head of regimental expenses. He was not aware, that there was anything further that required explanation, till he came to the vote for the battalion which was to be formed for service in Canada, for which 10,000*l.* had been taken on account last year. It was considered, that the 15,000*l.* which they proposed to take this year, in addition to that 10,000*l.* would completely meet all the charges of that battalion for the first year. The object of the establishment of that battalion was, that there should be a certain force in Canada, of such a character, and with such advantages, that there should be little or no danger, that the high wages of the United States, and other advantages, and the great facility that there was of passing so extended a frontier, should induce them to cross the border, and pass to the United States. That battalion was to be called the Royal Canadian Battalion, and was to be composed of men on the good-conduct list, and who were at the end of ten years to be entitled to pensions. He had strong reason to believe, that it would on these terms be easy to fill up the battalion. The advantage derived from the public was, that every man in that battalion would receive 1*d.* per day in addition to the ordinary pay of the soldier. His full pay, however, would be 1*s.* 3*d.* per day, inclusive of 2*d.* a-day, to which he would be entitled at home from additional service. The only additional charge on the public would be the extra 1*d.* per day, yet there was every reason to believe, that the expense would fall short of the ordinary charge of a battalion of the line. A corps would be formed, which for respectability of character and ease of situation, would not be equalled by any other corps—one in which every private would bear the badge of good conduct, and where, in regard to their wives and children, they were more indulged than the corps in the most favoured parts of the empire, being allowed twelve women instead of six. He was aware, that many objections had been raised to the plan; but, when all the advantages were considered, he thought they were justified

in expecting, that a highly respectable and efficient battalion would be formed. The next item on which he thought it necessary to make any remark was the vote of 5,000*l.*, again asked for the maintenance of our establishment at St. Helena. Although it had been thought, that there might be some reduction made in this charge, yet, as very soon after the vote was last year granted, a French prince of the blood had gone to St. Helena on a mission of the very highest interest, it was thought, that it would not have been fitting at such a time to withdraw men and reduce our establishment there. It was, however, the intention of Government to take the subject as soon as possible into consideration. The total estimate of the charge for the land forces for service at home, and allowed from the 1st of April, 1841, to the 31st of March, 1842, was 4,503,236*l.* If from this amount was deducted the appropriation in aid, or 59,487*l.*, the amount would be reduced to 4,443,749*l.* From this there was still further to be deducted the 932,975*l.* borne by the East India Company, which left a sum of 3,510,774*l.* finally chargeable on the public in respect of the land forces. This exhibited a decrease upon the year as compared with the last. The sum chargeable last year was 3,511,870*l.*, the decrease, therefore, was 1,096*l.* On the staff contingencies, there was an increase of 3,000*l.* Last year the amount was 53,000*l.*, this year the estimate was 56,000*l.*, but the same cause that had led to the increase of regimental contingencies had led also to the increase of staff contingencies. The whole estimate for staff charges was 167,448*l.*, but this included a sum of 2,500*l.* for additional advantages afforded to medical officers under the recommendation of the naval and military commission. He now came to the expenses of the public departments. The estimate under this head for the year ending 31st March, 1841, was 60,146*l.*; that for the year ending March, 1842, was 79,714*l.* Here was a palpable increase; but there had been a great increase in the Post-office charges. The postage charges of his own department amounted to upwards of 1,000*l.* per month. The Adjutant-general's expenditure for postage averaged 335*l.* per month. The weight of letters received was twenty-four tons a year, and the greater number of the letters sent to the War-office not being prepaid, they were always charged

double. If allowance was made for this additional charge, it would be seen that the other expenses of the public departments had scarcely increased since last year. While on this branch of the subject, he felt bound to say, that had the estimates been presented a short time later, he might have had to take an increased charge for his own establishment, which next year he believed it would be necessary to make. Some correspondence had recently taken place between the Treasury and the War-office with a view to the introduction into the War-office of a system analogous to that introduced some years ago into the Admiralty, that of the Italian system of book-keeping; and also for bringing more clearly under the public eye all the items in the disbursements, so that every year a balance-sheet would be exhibited, showing how far every sum voted by Parliament had been expended for the purpose originally contemplated. Under the head of the Royal Military College no vote was asked for this year, as that establishment had, as it had done for some years past, defrayed its own expenses. With regard to the vote for the Royal Military Asylum, he had last year pledged himself to the hon. Member for Kilkenny to do all in his power towards the reduction of the charge in respect of that institution. Since then the governor of the establishment at Southampton had died. He had taken advantage of the circumstance to break up the establishment there, and transfer the children to Chelsea. The expense of the institution last year was 16,701*l.*, the estimate for the present was 15,148*l.* Thus a saving of about 1,600*l.* had been effected. While on this subject, he thought it necessary to advert to another subject in connexion with the institution which was brought before the House last year, when he thought it right to assure the House he would give the subject his most serious attention, and that he had no doubt a satisfactory conclusion would be come to. He alluded to the difficulties which had attended the admission of the children of Protestant dissenters and of Roman Catholics to the Asylum. He had brought the subject before the heads of the asylum, and they had, without a dissentient voice, determined on a course which would be found perfectly satisfactory to the members of every religious persuasion. He felt bound to acknowledge, also, the very valuable assistance he had received from

the Bishop of London, who had done him the honour to assist him in drawing up the regulations for the asylum. The change that was effected would not offend the most zealous friend of the Established Church, while it would not continue to wound the feelings of Catholics and dissenters who had young relatives in this asylum. He trusted, therefore, that it would give general satisfaction that the establishment was open to the children of all who shed their blood for their country, without reference to religious faith. The next item of charge he came to was the Volunteer corps. The committee was aware that during the last year it was not, as during former years, necessary to call for the aid of this body for the purpose of assisting in preserving the public peace. Last year the charge for the Volunteer corps was 92,993*l.*, this year it was only 82,266*l.*, making a saving of 10,727*l.* Taking all these items it would show a total charge last year for the effective force to have been 3,846,450*l.*, and the same charge for the present year was 3,855,352*l.*, showing an increase of the amount to be provided of 8,902*l.* He then came to the non-effective part of the service, in which branch he believed hon. Gentlemen generally expected that there should be some saving, and that there should be a gradual diminution of the expenditure under this head. Under the head of rewards for military service, the funds for which were taken at three-fifths of the amount of the emoluments of garrison appointments, taken as they became vacant, there was a sum of 369*l.* disposable, arising from such vacancies occurring during the last year. Three-fifths of this sum was 227*l.*, and this, taken from a portion of the unappropriated estimate of last year, and the sum arising from pensions falling in from the death of distinguished officers who formerly enjoyed them, left 986*l.* at the disposal of her Majesty, for this year, for the reward of distinguished services. During the last year 800*l.* had been appropriated in the shape of pensions on four gallant Officers, whose distinguished services Gentlemen would see described under the proper head in the estimate. The whole charge under this head last year was 15,815*l.*, including the allowance to officers in garrison; and in the present year it amounted to 15,839*l.* There had been a new charge on this head this year: in removing the charge of the salary of the garrison quarter-master

of Malta from the staff estimate into its proper place, namely, of allowance to the officers of her Majesty's garrisons at home or abroad. This officer had no duties to perform, and it was therefore thought better to remove it to the present vote. The next item was the charge for the pay of general officers not being colonels of regiments. The sum proposed for the present year under this head was 89,217*l.*, the sum proposed last year was 95,688*l.*, of which only 92,000*l.* had been expended. A saving in the amount of this estimate might be calculated on as arising from the probable decease of some officers, and from others obtaining regiments, when this allowance ceased; the probable charge might therefore be taken at 85,000*l.*, so that there would be a saving on the charge in this year, as compared with last, of 7,000*l.* The next estimate was for the full pay for reduced and retired officers of her Majesty's service. The Committee was aware that this item was framed in conformity with the recommendation of the military and naval commissioners. The charge for the present year under this head was 67,500*l.*, but the amount for retired full-pay for subalterns, &c., would be gradually reduced by casualties, and the charge for the full-pay of reduced and retired officers would be limited to 38,000*l.*, as recommended by the commissioners on military promotion and retirement. The reductions were to be effected by not filling up the vacancies until the charge was reduced to 38,000*l.*, which was not to be exceeded after the present retired officers' allowances ceased. As he had just stated, he was under the necessity of asking, for the present year, for 67,000*l.*, while last year he only required 53,500*l.*, being an increase of 14,000*l.* The next estimate was the charge for half-pay and military allowances to reduced and retired officers of her Majesty's land forces. The vote taken last year under this head was 505,500*l.* The sum required this year was 497,000*l.*, showing a saving of 8,500*l.* There would have been an additional saving under this vote, but there was a new charge of 2,000*l.* for a special additional allowance of 100*l.* a year each to twenty lieutenant-colonels of long service, having the brevet rank of colonel, who have retired, in aid of their half-pay. The next estimate was for the half-pay and reduced allowances to officers of disbanded foreign corps, of pensions to wounded foreign officers, and allowances to widows of deceased foreign officers. The

charge last year, under this item, was 63,608*l.*; for the present year it was 60,608*l.*; thus showing a saving of 3,000*l.* The next estimate was the charge of pensions to widows of officers: last year it was 142,987*l.*; this year it was 141,048*l.*, showing a saving of 1,900*l.* He then came to the estimate of the charge of allowances on the compassionate list, of allowances of the royal bounty, and of pensions, gratuities, and allowances to officers for wounds. The vote last year for this purpose was 127,300*l.*, while in the present year he asked only 124,000*l.*; thus making a saving of 3,300*l.* The next charge was for Chelsea and Kilmainham Hospitals, of the in-pensioners of these establishments, of the out-pensioners of Chelsea, of pensions to discharged negro soldiers, &c. There was an apparent additional charge to one item in this vote. Last year, 3,300*l.* was taken as the charge for allowances for paying out-pensioners of Chelsea in Great Britain and Ireland, at the rate of 3*d.* per payment: he proposed this year to take an additional 10,000*l.* for this purpose, making altogether 13,300*l.* It had been for some time past in the contemplation of the Government to make some changes as to the mode of paying the out-pensioners of Chelsea Hospital. A plan for this purpose had been drawn up, and which was then under the consideration of the proper authorities, which he had little doubt, if adopted, would in the long run produce a saving to the country, and at the same time be of great advantage to the pensioners, and would tend to promote good order in society. The matter had been long before the Chelsea Board, and he believed that some plan of the kind would be shortly adopted. This could not be done without having some funds in hand for the purpose. He, therefore, thought it right to take the sum of 10,000*l.* for the additional charge for the payment of the out-pensioners; and if the plan was attended with the success which he expected that it would, he believed that so far from its being a loss ultimately, it would be found to be productive of great saving. The total charge for Chelsea and Kilmainham Hospitals, and the out-pensioners for last year, was 1,274,639*l.*, and during the present year the charge would be 1,268,906*l.*; showing a saving of nearly 6,000*l.* The next estimate was the charge of allowances, compensations, and emoluments, in the nature of superannuation or retired allowances to persons formerly belonging

land should be suffered to remain? Again, of the nineteen battalions at home, not one had returned from foreign service more than four years. He would, as an illustration, refer merely to the treatment of one regiment, and this was not a case peculiar to the service. The 22nd regiment was sent out to India only the other day, and this battalion had only returned from foreign service three and a half years. This was after ten years' service in Jamaica, previously to which it had been between four or five years in England; before this it had been stationed eight years at the Mauritius, to which colony it was removed from India after several years' service there. It was now in its regular turn of duty, on its return back to India, after having been at home only three years and a half. Thus it appeared this regiment would before it again returned home, have been fifty out of sixty years abroad, and at home not more than ten years. If this system were to be continued, a regiment of the line might be considered as almost sent to perpetual banishment. He did not mean to say that this system was the fault of the right hon. Gentleman or of the present administration; but if it was not remedied soon a most severe blow would be inflicted on the discipline of the army. He would appeal to any man whether this state of things did not inflict a great injustice on the army? He did not wish to press the Government to embark in a prodigal expenditure; but, as a military officer, he could not help feeling the great evils of the present system, and had no hesitation in declaring that if they wished to have the army in an effective state, and well officered, they must have an establishment by which more constant reliefs could be carried on for the future, so that a regiment could return to its native country after a shorter period of service abroad. He would not say whether or not the state of affairs in Canada or in the East Indies, in China or in Syria, was attributable to the Government, for that was not the question before the House. He could not help recollecting, however, that when the disturbances broke out in Canada we had nine battalions there as the peace establishment. Immediately ten battalions more were very properly sent out there, and had not since been recalled, so that at present there were nineteen battalions in that colony. In India twenty battalions were the ordinary peace establishment, three more had been sent out, and it was essentially necessary that this

increase should be kept there; our forces in the Mediterranean were augmented this year by two battalions. It appeared, therefore, that the present state of our foreign relations rendered it necessary that we should take fifteen battalions more from the home service and send them abroad, than was the case a few years ago. Whether this state of things were brought about by the good conduct or by the misconduct of her Majesty's Government, he would not stop to inquire: but of this he was satisfied, that it was the duty of the Government to provide a remedy for the present state of things. The noble Lord the Member for Northumberland, who was Secretary of War last year, stated that he had often impressed upon the Government the importance of more frequent reliefs for the colonies. Instead, however, of any remedy having been provided, an increase of foreign service had taken place in almost every quarter, and there were five battalions more abroad than there were last year, and fifteen beyond the ordinary peace establishment. Wherever we had colonies, wherever we were carrying on operations, it was impossible that any member of the Government could with sincerity say that he saw before him any prospect of making a reduction in our military force in that quarter. So far indeed from any reduction being possible, the great probabilities were that in several quarters it would be found necessary to make additions. Let the committee look to the state of things in North America. He would not use any harsh expressions on this subject—he would not for a moment wish to imitate the language which had been so injudiciously uttered in Congress, the more especially when he saw the able, the manly, and straightforward manner in which our Minister, Mr. Fox, fulfilled his duty there; but let the committee look to the state of things in North America, and they would hardly say that there appeared any prospect of a possibility for some time of reducing our military force in that direction. Now, what was the number abroad of our infantry of the line, for upon this class of troops the greatest pressure fell? The number abroad and on their passage out was 60,000, while the number at home was 26,400, including dépôts, and the estimate before the committee augmented the number only by nine men. Indeed for all the purposes of Great Britain and the British colonies there was not an addition of even nine men, but, on the contrary, a diminution of 1,400 employed in

India and abstracted from the other colonies, so that we were meeting the difficulties that were accumulating around us on every side by a peace establishment. These were not merely his (Sir Henry Hardinge's) opinions, they were the opinions of a late Cabinet Minister, a recent colleague of the noble Lord opposite—they were the opinions of Lord Howick, as expressed by him when Secretary at War, in 1838. Speaking of the affairs of Canada, that noble Lord then said, that if the then increasing demands on the army were kept up, they could not go on without a large increase of the military establishments of the country, and he should appeal to the liberality of the country to enable him to make this increase.

Lord J. Russell remarked, that the objections made to the estimates by the hon. Member for Kilkenny and the right hon. Gentleman were very different. The hon. Member for Kilkenny complained of a very great increase of force as compared with that of 1830; while the right hon. Gentleman complained of the present estimate as too small, and urged a considerable addition. As the matter now stood, he (the noble Lord) did not agree with either objection; and while he admitted, that a very considerable increase of force had taken place, he did not think there was a necessity of increasing the army still more. The hon. Member for Kilkenny said we had made a very large increase since 1830, and he asked what was the reason of this? Now, without entering into any defence of the foreign policy of this country, or of the policy of the Government towards Canada, he thought that the circumstances connected with our foreign policy and the insurrection in Canada were a sufficient justification of that increase. The hon. Member for Kilkenny reasoned in rather an unfair way, and decided the question for himself in a somewhat too arbitrary and severe a tone. He threw the blame of everything all at once upon the Government. He said, when they came forward for an increase of the forces in Canada, that it was their fault, because they did not choose to yield to the demands of those who were disaffected to the Crown. When a force was required to move towards the American frontier, he said, again, it was the fault of the Ministers. When our position, with regard to France, was spoken of, again the hon. Member said, it was their fault that the former friendly feelings between the two countries

no longer existed. And whether the question regarded this particular Government, or any other, the hon. Gentleman always presumed that his own country was always in the wrong, and that England, as compared to France or the United States, or even in transactions with Mr. Papineau or Mr. Mackenzie, was always the party to blame. He could never think that his own country could at any time happen to be in the right; but that in every case it began the quarrel without just reason. The summary of the hon. Gentleman's argument was this—"You must be wrong—I know the quarrel is all your beginning. You are the disturbers of the peace, and therefore the increase of force you propose is unjustifiable." Now he would not admit this short mode of settling the question. He could show, if it were proper to go into details at present, that the Government were not at all to blame; at all events they were supported by Parliament in these transactions, and were fully justified in asking for the increase of force they had thought it necessary to demand. The hon. Gentleman said, that the regular force of our army, navy, and ordnance, amounted to 143,000, which was an increase of 43,000 over the estimates of 1822, and of 25,000 over those of 1830. Now, with regard to the estimates of 1822, the hon. Member for Kilkenny and others pressed the House to make a very great reduction so strongly that a considerable diminution was made; but both the Government and the House of Commons thought, after a year or two, that they had gone too far, and the Government were obliged to recruit to the amount of 8,000 or 10,000 men. With respect to the estimates of 1830, he thought no fault could be found with them, considering the circumstances of the country at the time. But the circumstances of the country had of late, especially within three or four years, considerably changed; and, without entering into the merits of the different questions, he would merely take occasion to remark that an error was apt to prevail with many in discussions of this description. People were apt to say it was very extraordinary that, after twenty-five years of peace, it should be thought necessary to keep up such large establishments. He owned that, after a good deal of observation, looking at the state of the various divisions of the world, and seeing the establishments that were preparing in other countries, his impression was, that a very long duration

of peace had a tendency to make men estimate too lightly the horrors, and the almost incalculable evils of war. As for those who had lived in times of war—men like the right hon. Gentleman opposite and his superiors, who had held high commands in armies, and had had high personal experience of the evils of war—these were also the men that appeared to him most highly to value the blessings of peace; and he was most anxious to avert the calamities of war either in America or in Europe. It was the young generation of men, who grew up without any personal knowledge of the miseries and hardships of warfare, and who had seen none of the evil consequences it left behind; it was these inexperienced people who were most inclined to take offence, to make the most of injuries, to push demands to the utmost, and to insist that a country should be continually prepared to enter into that hostile state, of the dire realities of which they were happily ignorant. It was therefore for this very reason, because we had had twenty-five years of peace, that it seemed to him far more requisite to be prepared than immediately after the termination of a war. Certainly we could not fail to be struck with the very great efforts a neighbouring country was making to increase its establishments; in one item alone there appeared a demand of 12,000,000*l.* for military and naval works; and we had seen in public meetings, and in the senate of the United States persons holding language very unbecoming in those who came forward to speak upon so grave and critical a subject as the present relations between the two countries. He must therefore say, upon these general grounds, considering the state of relations that had lately prevailed, and the dispositions manifested by various countries to increase their establishments, that it appeared to him our own force ought to be increased. But the right hon. Gentleman, instead of complaining of the increase, said, that on the contrary, we had not men enough, considering the exertions our troops were called upon to make, and the unfrequency of the relief now afforded to them. The right hon. Gentlemen, therefore, contended that we should make a considerable increase in our establishments. Now, as to the services performed by the British army, he hoped it would not be inferred from anything he had said or might say, that he was in the least degree disposed to undervalue those services. On the contrary, he entertained

the highest opinion of the merits of our soldiers. He believed, that no army in the world made such exertions, not only in campaigns, as proved by the splendid triumphs they had achieved, and the glorious victories they had gained, but in those general labours which required untiring perseverance and constant patience and fortitude. The whole tenor of their conduct—in war, in peace, in encountering the fatigues and privations in distant, unwholesome, and too often in fatal climates, and under the bereavements entailed by long absence from their native land, had earned and had obtained the approbation and thanks of their Sovereign and country. But the Government and Parliament must consider, having called upon the army to make those exertions, what the country could consistently do for them, and whether, in fact, it was not necessary to call upon our soldiers for those exertions, which were made without murmuring, and with unceasing devotion. Now, the hon. Gentleman should be aware, that the total effective force of the home and colonial service in 1830 was 81,164 men; and, for 1841 and 1842, it was 91,364, being an increase of more than 10,000 men. The extraordinary service required beyond the estimate of 1830 was especially for duty in Canada; but the service in Canada, in the first place, did not require an increase of infantry of more than 7,000 or 8,000 men. In the North American provinces, there were two regiments of cavalry and two battalions of guards. It should be remembered, in considering the service in Canada, that the duties were not excessive, that the climate was not unhealthy, and that there was a great difference between that station and the West-Indies, or other more unhealthy climates. As regarded the Mauritius, the right hon. Gentleman was right in stating, that it would be impossible to diminish the force there. In Jamaica, the force had been diminished to a battalion; but he concurred with the right hon. Gentleman, that it was unwise to leave a single battalion to do the duty of so important a station. As for the Mediterranean, two additional regiments were sent there in the autumn, to Malta and the Ionian Islands, but he (Lord J. Russell) trusted it would not be necessary to keep that additional force there. The number of the garrison at Gibraltar, was fixed, and during peace it would not be necessary to increase it. With respect to India the question was undoubtedly one of very great

importance, particularly when they came to consider the subject of relief as regarded those regiments which were to have come home, but which recent events in China and elsewhere rendered it necessary to detain. The state of India had not altered the force there; it consisted of twenty regiments of the line as before, but the number of men was increased, so that the aggregate strength of the army was considerably larger; but as to the question of relief, beyond the detention of those regiments, which would, under other circumstances, have come home, it would be unnecessary to make any other change. The right hon. Gentleman had quoted the observations of his noble Friend, the Member for Northumberland, to the effect that the the great demands in so many directions upon the services of the British army, made it necessary that some measures for increasing its strength should be adopted. He knew that his noble Friend had devoted a great deal of attention to this subject, and his experience must render his decision of great value. The right hon. Gentleman allowed, that while such demands upon the services of the British army existed, there must necessarily be a small number of regiments at home, and a very great proportion abroad. But some details should be considered to show that the real and actual occupation and division of each regiment was different from what, upon the first notice, it might appear to be; every regiment had six companies abroad and four at home. In India and New South Wales, the proportion of officers was six to four, and of men 600 to 200. Therefore, it was not quite correct, when we were told that so many regiments were abroad, to say that the whole of those regiments were abroad, seeing that a certain proportion of officers and men remained at home. To these should be added the fact, that invalids were constantly returning to this country, recruits were going out, and officers were leaving and arriving. If, therefore, we desired a more frequent system of relief, it would be necessary in the first instance to diminish the strength of the depôts at home, and then we should have a smaller number of regiments abroad. This point had occupied a good deal of the attention of persons conversant with military matters, and his noble Friend, the Member for Northumberland, drew up a plan which received the serious consideration of the Government. But on consulting the Commander-in-chief and the

Duke of Wellington, and hearing the military reasons those generals gave for maintaining the present system rather than any other, he was convinced by the authority of Lord Hill and the Duke of Wellington, and also by the arguments they brought forward, that it was better to keep up the present system without any alteration. While, therefore, one consequence of the present system was, that the Government imposed more hardship on the army than apparently was necessary, in keeping so many regiments abroad, the point of view on the other side of the case should not be lost sight of. Except in Canada, it could not be said, that the demands upon the troops were very extraordinary. In a national sense, the advantages were more obvious. There were always greater demands upon British troops than upon the soldiers of any other country; but the consequence was, that while foreign troops, being levied and dismissed according to occasion, did, when encamped, or in the duties of a campaign, display the effects of combination and discipline; our soldiers, under the practice of the continuous service they performed, acquired a character for efficiency in peace as well as in war. Their army was distinguished by the permanence and discipline of the service. He did not say, that it would not be necessary at a later period to ask that House for an increase in their military forces; such would entirely depend upon the state of their foreign relations. He thought it might have been advisable last year to propose a reduction in the army, but it was found impossible that any such reduction could take place, and none accordingly was made. It had been truly stated by the hon. Member for Kilkenny, that the army, during late years, had been considerably increased, but he trusted the House would see the impossibility of reducing it. He therefore trusted that the Committee would now agree to the proposition of his right hon. Friend.

Sir R. Peel said, he for one was prepared to give a cordial sanction to the proposition now made as to the military force of this country; giving it, that was to say, in the firm conviction and reliance that the demand now made by the executive government did not exceed the exigencies of the case. At the same time, he should be exceedingly sorry to see any increase of the military force of this country which could afford a pretext, or any rational ground, for foreign powers to

increase their military establishments also. He should be sorry, indeed, for us to set an example to other powers of an unnecessary amount of military force. There was some justice in the remark of the noble Lord, that the long enjoyment of the blessings of peace did not necessarily indispose man to the recurrence of war. The present generation had not been practically acquainted with the calamities of war, and was, therefore, perhaps not so indisposed to incur the terrible evils as those who had had the fearful experience of their effects. But he thought those took a false estimate of the people over whom they governed, if they supposed that there were not other evils besides the devastation of countries and the bloodshed of war. He apprehended, that it would soon be felt by every country in Europe, keeping up these vast armaments, that the expenses of these establishments and the taxation necessary for their support, would so fetter the industry, and so interfere ultimately with the tranquillity of those countries, that something short of actual collision would convince them of the necessity of preserving amicable relations. The hon. Gentleman (Mr. Hume) had dwelt on the present state of the finances of the country as a powerful argument against increase. No one could feel more deeply than he did the embarrassed state of the finances, or contemplate with more anxiety the growing deficiency of the revenue. It was impossible to deny, that the deficiency of the last three years, amounting to, he believed, 4,500,000*l.*, presented a most unsatisfactory subject for contemplation. But that formed no reason for neglecting to take timely precautions. It might be a good reason, however, for dispensing with all superfluous expenditure; but he maintained, that where the essential interests of the country were involved, the state of the finances afforded no pretext for neglecting to take precautions, by the omission of which, the country might be involved in a tenfold expense. This was a question on which they ought not to be governed solely by considerations of economy, and he therefore saw no reason why this should be urged as a motive for not placing the military and naval establishments on a footing which the best interests of the country required. But while he gave his vote in favour of these estimates, he must confess, at the same time,

that he did so upon information utterly imperfect and unsatisfactory. He did not recollect the time when the House of Commons had been put in possession of such scanty information as to the real position in which the country stood. Take the state of our interests in Central Asia; take the position of affairs across the Indus. What means had they of ascertaining the extent of the necessity for increased military operations in that quarter? Again, with respect to the expedition to China, the House was left in a state of total ignorance—there were rumours of failure. He had a strong impression that our relations with the United States were not in so satisfactory a state as to admit of a reduction in the forces of this country. That was but his impression; but he had no means of forming a correct judgment. As far as official information went, they were in a state of profound peace, and no necessity could possibly exist for an increase. He had heard at the end of last Session, and indeed for the last twenty years, that every state and principality of Europe were earnestly desirous of maintaining peace. That he had heard at the end of last Session, and again at the beginning of this—that her Majesty had had the satisfaction of receiving from foreign Powers assurances of their most friendly dispositions, and of their earnest desire to maintain peace, whilst on the continent the neighbouring powers were increasing their establishments by 4,000, or 5,000 men. He hoped, that whatever might be the pressure of these young and ardent spirits, their governments would feel such a responsibility to the permanent public opinion of their country as to enable them to resist such provocations. It was no less the interest of England than it was that of every other Power to avoid entering into a war on grounds which never could come to a termination—a war not undertaken to forward the essential interests of any, and without any intelligible object—a war, the horrors of which might be protracted through ten years, and from which he should be sorry to see any glory derived. He never remembered a time when less rational ground for hostilities existed in Europe. He hoped, then, that there were none who would provoke them. He earnestly hoped, that the power of public opinion, coupled with the material interests inseparably connected with civi-

lisation and the advancement of refinement—he hoped that the public opinion of Europe would prove powerful enough to control the governments, and frown down those uneasy and irritating spirits which would involve the world in endless strife. Yet, while he said this, let him say too, that did the material interests of this country clearly compel us to go to war, then would foreign Powers see an entire oblivion among us of internal dissensions, and all would unite in the attainment of the one great national object. He could afford to counsel peace, because, were the interests, the honour, the essential welfare of the country involved in war, he could forget that counsel, and, standing by the ancient fame and reputation of this great people, lend his voice for war, in order to prove to the world that our military fame stood now as high as ever. He felt convinced that England, Scotland, and Ireland too—notwithstanding the imputations he had heard on that country—he felt convinced that the three great divisions of the United Kingdom would all be ready to prove to the world that their prowess was not diminished, and that all were equally ready to support the national interests, and vindicate the national honour. So much for the general principles on which he was ready to support the proposed vote, and in which he was bound to say he would have supported a larger vote, if her Majesty's Government had proposed it. At all events, if her Majesty's Government should see reason at a later period of the Session to propose an increase in the military force, he should, on the same principle, support it. Certainly the addition which had been made, and very wisely made, to the naval force of the country, might be supposed to lessen the necessity of an immediate increase of the military force. However, little as was his confidence in the present Government, and determinedly as he was opposed to them, if they should require, during the present Session, an increase of military force, and state its necessity on their responsibility, he should certainly give his assent to it. He did hope that those circumstances which seemed to threaten the general tranquillity would be shortly dissipated, and the present force be found amply sufficient. Independently of these circumstances, he thought it was the duty of the House towards the army to prevent so severe a pressure on the different regi-

ments. The fact which had been stated, that a certain regiment, now sent to India, had been for fifty years on foreign service, and only ten years at home, in the space of sixty years, indicated a state of thing which he could not contemplate without great anxiety. In the first place, it was a great evil that the British soldier should be away from his native land for so long a period. He thought there were great objections to sending the army for so long a period to the colonies, where a very different state of society existed—where the tone and temper upon constitutional questions and principles were altogether different. This long expatriation and long interruption of intercourse with the feelings and habits of their native countries was a great evil so far as the constitution of the British army was concerned. He should see with infinitely greater satisfaction an arrangement which permitted a longer duration of service at home. The state of the service in the British army was such as to render its pressure exceedingly severe. If that was the case, it suggested matter for grave consideration—whether the strain might not be too great. It was a very important consideration, whether it might not be such as to break down the energies of the troops, for if there were any such danger he would tell the noble Lord that even considerations of economy would dictate an increase of the military force. Therefore, independently of the state of our foreign relations, seeing the immense length of time during which regiments were obliged to serve abroad, he thought there were ample grounds for maintaining at least the present extent of our force. When he read the accounts from the United States—when he looked at the position of affairs with respect to the apprehension and detention of Mr. M'Leod—when he heard from the noble Lord that the destruction of the *Caroline* had been avowed by the right hon. Gentleman—that orders had been sent out to demand the liberation and to give protection to Mr. M'Leod—and when he considered what had since occurred with regard to that Gentleman, he could not but feel that these things afforded matter for the gravest consideration. He would not refer to expressions which had fallen from Members of the Congress of the United States. He was disposed to speak of that great country with the most sincere respect, but, consistently with that feeling, he must say

he did not think it would be for the true policy of this country to purchase any settlement of the present difficulty by any unjust concessions. He hoped they would never forget the claims which the inhabitants of the North American Provinces had upon the mother country; and while he most sincerely deprecated war with any country—and especially with that one which was united to us by the ties of ancient descent and a common language—yet, if the interests of England required resistance to wrong, all his desires and aspirations for peace would vanish before the determination to stand by his country, and to insist that justice should be done.

Viscount *Howick* regretted that he had not been present to hear the opening speech of his right hon. Friend the Secretary at War. He cordially concurred in the sentiments which had been just expressed by the right hon. Baronet. Like him, he was most anxious for the preservation of peace; and he believed that, if the present tranquillity was disturbed, the aggressors would be guilty of unexampled wickedness and folly. He hoped the interests of commerce, by binding nations together, would avert the dangers which seem to threaten, and he trusted that Parliament would endeavour to strengthen those ties, and multiply those interests. But, unhappily, if war should arise, he had no doubt that internal dissensions and differences of opinion on domestic questions would be entirely forgotten in the general desire to maintain the honour and character of this country. He should only allude further to a topic which had been discussed at some length, namely, the severity of the service at the present time, which, under the existing military arrangements, was imposed on the infantry of the British army. He had no hesitation in stating his opinion that that pressure was more than ought to be imposed on those gallant men. He had no doubt his noble Friend the Secretary of State, was right in saying that no murmuring or complaint was to be heard from the officers or soldiers of the British army. The high character, zeal, and devotion, which they had ever shown, would prevent any such thing. But the absence of complaint, if there was real ground for it, had, so far from making him less anxious to remove the cause, increased, if possible, his desire to prevent any undue pressure on those who so devotedly bear it. In the year 1838 he (Lord Howick) did, with

the concurrence and direct authority of the cabinet, of which he was then a Member, expressly declare in the House that the pressure imposed on the British infantry, owing to arrangements then necessary in consequence of the insurrection in Canada, was so severe, that it ought not to be continued. He then said, that if it should turn out that this pressure was not temporary, but likely to continue; the Government, of which he had the honour of being the organ in these matters, would consider itself pledged to come down to the House and propose means for diminishing that pressure. He was authorised in 1838 to convey that pledge to the House. Since that time three years had passed away, and had that pressure been diminished? He regretted that the contrary was the fact. He did not wish to go into details, because it was inconvenient to discuss the number of battalions quartered in particular places, and he could hardly enter on such discussion without availing himself of information acquired when in office in a manner which would not be altogether approved of. But there could be no objection to stating the broad and simple fact which appeared from journals devoted to military affairs, that the number of battalions at present abroad as compared with the number at home, instead of being diminished since 1838, had been augmented. He had that day seen in one of those journals a return of the stations of the British army on the 1st of March, by which it appeared that there were at this moment only twenty battalions in this country. [Sir *Henry Hardinge*, nineteen.] Well, it was no matter which. If he recollected right, there were, in 1838, twenty eight battalions at home; and at no period had the number fallen below twenty-five. That was a great and serious alteration with respect to the condition of the soldiers composing the force. There was an increase of near one-fifth on the proportion of regiments abroad, as compared with the proportion three years ago, and there was necessarily a great abridgment in the period of the service which could be passed at home. The fact with respect to the 22d. regiment, that after returning from ten years' service in Jamaica, in April, 1837, they were now sent out to India probably for twenty years' further service, was alone sufficient to carry conviction to every man. His noble Friend had referred to certain questions, with respect to the mode in which the British army was organised—to division into service and dépôt companies,

He would not enter into a question so purely technical. He thought the dépôts essential from the nature of the service, but in spite of the authority against him, he thought there might be some modification of that system, which, without interfering with its object, would tend to the relief of the men. If they did not take that mode of relieving the present pressure, they must take some other. It was no answer to say, that the dépôts being essential, the severity of the service, such as it was must be borne. Those who were responsible and who deliberately determined that the dépôt system must continue unaltered, were bound to find other means of giving the army the relief to which it was entitled. His noble Friend knew that that was an opinion which he did not bring forward in that place, having withheld it when he was in a place of greater authority. His noble Friend was perfectly aware that he (Lord Howick) had consented to bring forward the estimates of 1839, on the distinct pledge that some mode or other should be adopted for mitigating the pressure upon the British army. Various measures were in agitation at that time. He did not say that any one was matured or determined upon, but certainly those estimates never would have been moved by him if he had not had, what he believed was a perfect assurance that the pressure upon the army should not be continued. He would not repeat what had been much better stated by the right hon. Baronet the Member for Tamworth, but he must say, he entirely concurred with him as to the extreme impolicy, the miserable, short-sighted economy of pursuing this system of severity. He was perfectly persuaded, from the information he had received from various quarters, that if there was one circumstance more than another which prevented the services of the British army from being as popular as it ought to be, it was that the relatives of a man who enlisted under the present system considered that his entering the army was equivalent to never seeing him again. It was looked upon as an eternal separation. These felings, amongst the class from which the army was drawn, more than anything else tended to render the service unpopular, notwithstanding the great pains taken of late years—and which he was sure would continue to be taken—to improve the condition of the troops. He would not go more particularly into the discussion, as he was absent at the early part of it, but he must say that it was a matter of great

disappointment to him to find that the army estimates should have been brought forward three years after he had been authorized to make the pledge he had referred to, without any measure being actually carried into effect for the accomplishment of the object then intended. He thought it the duty of her Majesty's Government, and the duty of the House, to press on the Government the necessity of providing that those brave men who formed the army and underwent such severe service, should be enabled to pass a greater proportion of time in home service than they did at present.

Mr. *Macaulay* wished to say a few words on the subject of the remarks which had been just addressed to the House, because he should be sorry to yield to his noble Friend in anxiety to see the British army relieved from what was admitted to be a severe pressure. He must remind his noble Friend, that the imputation, as he must call it, which his noble Friend had thrown out against the Government for not having redeemed the pledge made through his (Lord Howick's) mouth, was not altogether well founded. Subsequent to the time at which that promise had been given, his noble Friend had himself proposed an additional force of 5,000 men, and for that additional force two reasons were given. One was, the disturbed state of the country at the time, and the other the necessity of granting some relief to the troops employed in the colonies. Happily these disturbances existed no longer, and if they were only to look at the internal condition of the country, we hoped and trusted they might spare the 5,000 men, which had been then added to the army. That additional force would have acted as a relief to the troops abroad, and have redeemed the pledge, but for other circumstances which made the Government think it wise to increase the force abroad. In the general principle which had been laid down he fully concurred. But the hon. Member for Kilkenny, seemed, in what he addressed to the House, to forget that the amount of force in England must be determined by the wants of the whole empire. The amount of force in Jamaica need not be more than was necessary for the defence of Jamaica. The force in the Mauritius need not be more than was sufficient for the defence of the Mauritius, but unless the position of the whole army was to be worse than that of convicts—worse than that of men transported for fourteen years

—a force bearing a certain proportion to the wants of the whole empire must be kept in this country. Even if the state of this country were such as not to require a single soldier to preserve its tranquillity; if policemen were sufficient to keep the peace in every corner of the empire, yet if the colonies required 60,000 men, the force in England must bear a reasonable proportion to that force, in order to give the troops a period of comfortable residence at home. He felt with his noble Friend that the present pressure upon the army ought not to continue, but it was necessary to determine whether there were any chance of that pressure ceasing before making addition to the forces. If circumstances took a contrary turn—if he felt convinced that the present pressure of the service was not accidental, but likely to be permanent, he could only say that his disposition to remove so great an evil was not less than that of his noble Friend.

Lord A. Lennox begged to put a question to the Master-general of the Ordnance. He alluded to what he considered to be of vast importance to the efficiency of the army, namely, the issue of percussion firelocks to the troops. He understood that it was intended to furnish troops on their return from abroad with percussion firelocks. Now, if these firelocks added to the efficiency of the army, it was important that troops on foreign stations should be rendered equally efficient. He could say of the old firelocks, that one quarter, if not one-half of them, were totally and perfectly useless. With respect to desertions, he could state that the number of desertions abroad was nothing like what it was at home. In his own regiment, at St. John's, there had been but one desertion in the quarter ending January last.

Sir H. Vivian said, the question the noble Lord had put to him was one that would come more properly on Monday next, when he hoped to have an opportunity of moving the Ordnance Estimates, and when he would explain fully the state of preparation in which the Ordnance Department is for supplying the British army with percussion arms. The noble Lord has spoken of the badness of the present arms. Some regiments having already been supplied with percussion arms, he hoped it was not to these arms, that the noble Lord referred, when he speaks of one-fourth of them not going off. The reports received from those regiments had

been most favourable. Having been thus called up by the noble Lord he would say a few words on the subject, which had been under discussion on the Relief of Regiments from foreign service: he fully admitted that the severity of the service in the colonies was very great, and he fully concurred in the opinion of his right hon. and gallant Friend opposite, (Sir H. Hardinge,) in thinking that it was due to the British soldier to take some means of relieving him from it; but at the same time he could not but observe that when it was said this or that regiment had been some fifteen or twenty years on foreign service; in reality it was but few of the men who had gone out with it who had returned with it [cheers]. He well understood the cheers of the hon. Members opposite, this they would say proved their case, a regiment was now kept so long on foreign service that all who had embarked with it were expended; but he would beg to observe this was not exactly the case. The dépôt companies at home afforded some relief; officers and men either from ill health or from other causes, were constantly returning to those companies from the service companies, and although it might be said of the 22nd, or any other regiment that it had been twenty years on foreign service, in truth it could only be truly said, that a regiment bearing this number had been absent so long; very many of the men who had originally embarked with it having returned to the dépôt. Many no doubt had died, and of the men returning with the regiment very many it would be found, had within a short period been sent out to it at a great expense. At the same time he could not but admit that under the present system, colonial service bore very hard on the soldiers of the British army; that system was not one calculated to meet the great demand on the British army in consequence of the great increase of our Colonies, the increase of the army had not kept pace with the increase of the duties they were required to perform, and he sat down giving it as his decided opinion, that it was very desirable the system of colonial relief should be revised, and it would afford him great pleasure to see the subject fully gone into and investigated.

Mr. Macaulay wished to add a word. During the last year a measure had been adopted by the War-office, with the consent of the military authorities, which,

although it would not facilitate relief abroad, would very much facilitate relief to individuals, and would afford additional relief to soldiers who happened to be in unhealthy climates.

Sir *De Lacy Evans* regretted the tone used by the right hon. Gentleman opposite, although he had no doubt that it arose from the great zeal he felt in the cause of the army. He did not think it consistent with the state of the case that this question should be argued as if it was a grievance upon the army. He believed it was indispensable to the efficiency of the army that more relief should be afforded; but he could not help thinking it inexpedient to use a tone of language year after year which was likely to produce a certain degree of feeling among the troops abroad that they were unfairly treated. He had no doubt that the Government was extremely anxious to afford a remedy for the evils that existed.

Sir *H. Hardinge* was not aware that his tone was of the description stated by the hon. and gallant Member. On all occasions, and upon every subject, he thought he was quite as prudent as the gallant Officer. He recollected circumstances connected with the military authorities in which the gallant Officer had not been characterized by prudence of tone.

Sir *De Lacy Evans* said that the right hon. Gentleman was entirely mistaken. He did not say a word about the right hon. Gentleman's interference in this matter. He merely said that he believed the right hon. Gentleman was actuated by zeal and good motives; but he did object to the tone in which he addressed the House, and he had a right to object to it, because he conceived it not calculated to increase good feeling in the army. He might have been in error, but he thought the right hon. Gentleman had taken up the matter with a degree of warmth which was not at all called for. As to his (Sir *De L. Evans*) want of prudence, he believed that no one more frequently indulged in unguarded language than the right hon. Gentleman, but he had not the slightest intention of rebuking the right hon. Gentleman; he merely expressed a sincere wish that the tone adopted in the course of the debate might not produce unpleasant feelings in the army.

Mr. *Hume* said that there was a very easy mode of affording relief to the troops abroad. They had in all 92,000 troops,

of whom 46,000 were at home. If the principle of rotation were fairly adopted and regiments were at home five years and abroad five years, there would be no severe pressure to complain of.

Vote agreed to.

On the motion that a sum not exceeding 3,510,744*l.* be granted towards defraying the expenses of her Majesty's land forces at home and abroad, exclusive of India,

Viscount *Howick* begged to ask the Secretary of War if he would lay on the Table an account of the progress in forming barrack libraries.

Mr. *Macaulay* said he would be very happy to lay on the Table a statement of the number of libraries that had been formed, as well as copies of the rules under which they were established.

Mr. *Hume* said he saw a sum of 500*l.* granted to cover the interest on deposits in regimental savings' banks by soldiers, he wished to know how that sum was disposed of?

Mr. *Macaulay* said it was advanced to the paymasters and placed in the military chest for the purpose of paying the interest of three-and-a-half per cent. on deposits.

Viscount *Howick* said he thought the amount of interest did not afford a sufficient inducement to the soldiers to make deposits.

Vote agreed to.

SUPPLY — THE EARL OF CARDIGAN.]

On the motion that a sum of 167,449*l.* be granted for defraying the expenses of general staff officers, and officers of the hospitals serving with her Majesty's forces at home or abroad.

Mr. *Hume* said, that he could not help taking that opportunity of saying that he was surprised that no officer in the House had thought it necessary to bring before the House the conduct of Lord Hill, the Commander-in chief, with respect to the 11th Dragoons. The whole country, from one end to the other, had been looking with anxiety to the notice which Government would take of the matter—a matter which had created scandal all over the country. The public press had done its duty in impressing on Government the necessity of taking into consideration the conduct of the Commander-in-chief—conduct which had been characterised by all fair and impartial men as most improper and not to be tolerated. It was as much for the

benefit of her Majesty's service that every colonel commanding a regiment should conduct himself with attention and care to every officer in the regiment as it was conducive to the discipline of the army. Therefore it was that he took this opportunity of saying, that he considered the conduct of the Secretary at War, if the matter rested with him, or of the Government highly culpable, when they saw the public mind irritated and offended to so great a degree, that they did not take notice of the conduct of the commanding officer of the 11th Dragoons—conduct such as no man holding the character of a gentleman could possibly tolerate or permit. He did not blame Lord Cardigan so much as he blamed the Commander-in-chief. It was impossible to read the correspondence in the papers (which he presumed to be correct without seeing that acts of unjustifiable severity were traced to Lord Cardigan. He was satisfied that individuals not connected as the noble Lord appeared to be, were removed for what might seem to civilians a slight offence, but which, in the judgment of military men, deserved punishment. But when the proceedings of Lord Cardigan, who but a short time ago was reinstated in the command of a regiment, were considered, it did appear to him extraordinary that such a state of things should have been permitted. He should like to see a return of the officers who belonged to the regiment when Lord Cardigan joined it; what complaints were made, what remonstrances had taken place, and how many had quitted the regiment. He should like to know, too, how many applied for leave of absence and got it, rather than submit to the odium which attached to their regiment since Lord Cardigan came to its command. He thought, then, that the right hon. Secretary at War should state the grounds on which Lord Hill, for reasons unknown to the public, had permitted such occurrences to take place. He insisted that conduct more likely to injure the public service than that adopted by the Government he had never known during a long life and a constant attention to public affairs; and he ventured to say that no man henceforward could join that regiment under its present command, without having "slave" branded on his forehead. When he saw an officer of twenty-six years standing, who had received the sanction and praise of every individual officer under whose command he had served to the time of Lord Cardigan's appointment, dismissed

from the public service for an offence, of which, in a military point of view, he was guilty, but which ought to have been viewed with the many extenuating circumstances which surrounded it, he could not but conclude that the rank of the offenders caused some difference in the punishment meted out to them. He had been long enough in the field, and with the army, to know that discipline was absolutely necessary, but he also knew that if men and officers were expected to do their duty, they should be treated as men. He hoped, then, that her Majesty's Government would be prepared to give some explanation of the course which they had pursued, and he called particularly on the right hon. Secretary at War for an explanation, as he lay on him the whole weight of his censure.

Mr. Macaulay: I certainly did not expect that a topic of such violent irritation would have been brought forward, under such circumstances, and that I should not have been enabled to give it that full consideration which would have enabled me to avoid in its discussion hurting the feelings of any one, or adding to the excitement which has been already too great. I shall state in the most direct manner, yet without the most remote intention of wounding the feelings of any hon. Gentleman, what are the general principles which guided her Majesty's Government in this matter, and which I firmly believe, notwithstanding any temporary irritation, will ultimately be held to be sound and just. In the first place, I shall appeal to the hon. Member for Kilkenny himself, whether it be in his power to suggest or imagine any dishonourable motive which could have prompted the conduct of the Government on this occasion. Who is Lord Cardigan? Is he their political friend—is he a supporter of theirs? I know that the hon. Gentleman and some others have sometimes brought charges against the Government of cowardice; but in this case he certainly cannot urge such a charge, when they acted in the face of the whole press—of the general cry of the whole country? Could Lord Cardigan go to a theatre that he was not insulted? Could he take his place in a railway train without having a hiss raised against him? Was there ever a case in which a man was more violently and intemperately assailed? Without wishing to assert that Lord Cardigan is faultless (on that point I do not give an opinion)—if he had been Hare the accomplice of Burke, or any other

person impugned on the most criminal charge, instead of being accused with faults of temper and manner, could stronger or more violent, or more intemperate means be taken to mark the public aversion. When the Government resolved not to dismiss from the service a man thus attacked by the press on both sides, and by the public of both parties, they are not certainly entitled to say they were right; but they are entitled to ask every person who gives the slightest attention to the subject, could they have any other motive than a sincere regard for the interests of the public service. Now, then, how stands the case? Here is a man at the head of the forces, who has led an army to victory—a man whose integrity and honour have never been impeached during the thirteen years that he held his high office—a man who has served different administrations, and possessed the confidence alike of the Duke of Wellington, of Lord Grey, and of the present noble Lord at the head of her Majesty's Government, and who has throughout this long period acted honourably and fairly by every administration, to whom he gave the full benefit of his great abilities and experience, this distinguished man was decidedly of opinion that there was no ground whatever for instituting any proceedings by court-martial against the Earl of Cardigan. His opinion was, that instead of such a proceeding settling the disputes which had arose, it would be an absurd course to take, because it would be impossible to frame any charge against Lord Cardigan of which a court-martial could take cognizance. I believe he was also of opinion that without such a court-martial it would be unjust to take measures for dismissing Lord Cardigan from her Majesty's service. Was Lord Cardigan then, to be put on the half-pay list? That is not the principle on which the half-pay of this country has been established, nor one to which, while I remain Secretary-at-War, it shall be perverted. The half-pay is no punishment. It is given partly as a reward for past services, and partly as a retainer for future services. Why should it be made a reward for offences; or should a retainer be given to a man who had proved himself entirely unfit for the service of the Crown. What alternative remained? A court-martial, or dismissal from the service. Now, that a dismissal from the service, without a court-martial would be a serious and fatal injury to the

army, I have the authority of the Commander-in-chief for asserting, and I may add, without any breach of confidence, the authority of one other name, which stands higher, which stands even higher than the noble Lord's (Lord Hill's) in general estimation and professional eminence. What remains? The dismissal of an officer without any legal impugnement? I am far from thinking, that the prerogative of dismissal without reasons is not one which the Crown should possess, because I know it is possible to imagine a case in which the safety of the State might depend on the exercise of such prerogative; but it should never be lightly exercised, and the army have an exceeding interest in great caution being observed in wielding it. This rule should be observed in every service, but especially in ours, where the pay of an officer is not much more than the interest which he would receive for his purchase money from any insurance office. I do not mean to say, that officers should acquire a vested interest in their commissions to stand against the prerogative of the Crown, where the public interests require it to be exercised, but I maintain the smallness of the income derived from military service, is an additional reason why we should be slow to advise any such strong measure as taking away a man's commission on slight grounds. Can any motive, then, warrant an unusual course in the present instance? The precedent established in the case of a rich man, may soon be applied to a poor man, and the removal of an unpopular man may be quickly followed by that of one who should resemble Lord Cardigan in nothing but that he regularly voted against the Government. I will venture to say, that no Ministers of the Crown were ever before censured on the floor of the House of Commons for not punishing a military opponent, in whose case it was impossible to have a court-martial. These are the principles which guided her Majesty's Government, and which satisfied them that they could not have dismissed this officer without a court-martial—that they could not have resorted to the half-pay as a punishment with regard to him, and that it would be in the highest degree prejudicial to the army to establish a precedent for the dismissal of an officer for imputed faults of manner and temper, of such a nature, that it was impossible to make them capable of proof before a court-martial. Having deliberately come to that opinion, the

clamour which has been raised ought only, and has only, determined the Government to adhere to it the more firmly. I say nothing of Lord Cardigan; I don't pretend to say that he is faultless; but I insist, that the principles on which the Government acted are sound ones. I am quite sure, that their motives were pure and conscientious, and if they are not done justice to this day or to-morrow, a very few months will elapse before those who are loudest in clamouring against them, will admit them to have been in the right.

Mr. *Hume* must deny blaming the Government for not dismissing Lord Cardigan. He had expressed no opinion that that officer should have been dismissed without a court-martial. He would ask, however, whether there was no other alternative that could have been adopted, save dismissal by a court-martial? Was there no such thing as a court of inquiry? If a court of inquiry had been adopted, that course would have given satisfaction to the public; as such court would have established the truth of the charges made against Lord Cardigan, or have afforded proof that they were without foundation. He only wished the matter fairly explained; for, though the noble Lord might be a political opponent of the Government, he was one of the aristocracy, who, the people believed, was to be shielded, whether innocent or guilty. He agreed that the press had been violent in some cases, but its suggestions, he thought, ought to have been attended to. Had it been the case of a subaltern, and not of Lord Cardigan, an inquiry would have been instituted. His complaint therefore was, that the Government had not recommended an inquiry.

Lord *John Russell* had only a word to say in addition to what had been so well said by his right hon. Friend. The hon. Member for Kilkenny had said, that a court of inquiry ought to have been instituted; but the complaints of each individual in the regiment had been brought before Lord Hill, who had looked at them with the greatest care and attention, and given his decision on each of them separately. His (Lord J. Russell's) opinion was, that Lord Hill had acted with the most perfect impartiality, and that he had decided justly. He could not believe that there was any ground for the assertion that Lord Hill would have acted differently to another, or to an inferior officer.

He was sure that Lord Hill would have acted with impartiality in any case, and under any circumstances. He believed that a court of inquiry would have been a novel proceeding, and that it would not have been in accordance with the rules, or with the practice of the army. The hon. Gentleman said then, if these offences were committed by a subaltern officer, they would have been followed by censure or dismissal. Now he had some suspicion the case was the other way, and that if this were merely a lieutenant-colonel of dragoons, and not a peer of the realm, he might have done the things laid to his charge, and even harsher things, without causing all this excitement in the public. Some sort of fame was acquired by attacking such a man, and so far from the Earl of Cardigan being treated with particular favour, he believed that his name and connections, his large fortune and station in the Lords, rather tended to give dignity and weight to charges, which, under different circumstances, might be looked on as frivolous.

Viscount *Howick* was sorry that this extremely painful subject had been brought forward on this occasion; but, as it had, he could not avoid saying that the answer of his noble Friend to the statement of the hon. Member near him was not altogether satisfactory. When he said so, he by no means wished to censure the conduct of Lord Hill; he was certain that in a matter of this importance Lord Hill would consult the Government, and he therefore held the Government responsible for the proceedings which had been adopted. So far from assuming that Lord Cardigan had necessarily been to blame, he was most anxious to believe that he had not only discharged his duty conscientiously but also discreetly, but he must say that the facts which had been laid before the public were sufficient to call for an inquiry in order to prove that such was the case. He concurred with the right hon. Gentleman, the Secretary-at-War, that it would have been highly improper to have placed Lord Cardigan on half-pay, or to have dismissed him by the exercise of the prerogative of the Crown without some previous enquiry. After the court-martial on Major Watkin, Lord Cardigan had been so placed on half-pay, and in adopting that course he thought, as he had already on a former occasion stated in the House, that a great error had been committed. At that time he thought an

injustice had been committed towards Lord Cardigan from a groundless fear of discussion which had caused an attempt to be made to get out of the difficulty by placing the noble Lord on half-pay. He therefore entirely concurred with the right hon. Gentleman in thinking that it would have been impossible to adopt a similar course in the present instance. To place an officer on half-pay, he admitted, to be a measure which ought never to be adopted as a punishment. He was also prepared to believe that there was nothing in Lord Cardigan's conduct in this instance which should have been brought under the cognizance of a court-martial, since a court-martial could only be held in cases in which a specific charge of a breach of the articles of war could be framed. There undoubtedly might be no grounds on which such a charge could be preferred in that case, but he did not think that the noble Lord in saying so had met the suggestion of the hon. Gentleman near him as to the appointment of a court of inquiry. It was nothing new in military practice that when a regiment was not in a satisfactory state, when the officers were not living in harmony, and when the discipline was not creditable to the service, the whole system should be submitted to the ordeal of a court of inquiry. The noble Lord said that every one of the unfortunate quarrels which had occurred in the regiment, had been considered by Lord Hill, and that his decision had in all been favourable to Lord Cardigan. That was possible, and the decision might in each instance have been right, but it was quite consistent with that supposition that the general conduct of the commanding officer might have been wanting in temper, and that temptations might in consequence have been held out to officers to offend, and this he thought was a fit subject for inquiry. There were several reasons which seemed to render such an inquiry peculiarly necessary in this case; in the first place it was impossible to forget the opinion which the first court-martial on Captain Wathen, had expressed against Lord Cardigan, who was in consequence put on half-pay, though he had been afterwards restored to command and to full pay. Now as he had already said, he held that the course pursued on that occasion was not a correct one, and he therefore thought Lord Cardigan had been properly recalled to the service, but the fact that such a circumstance had taken

place, rendered it more necessary than it otherwise would have been, that when another transaction of a similar kind occurred, it should be made the subject of a full and impartial inquiry. But, further than this, it was notorious to all who heard him, that when Captain Reynolds was brought to a court-martial he pleaded in extenuation the great provocation which he had received. He believed that that court-martial acted properly in excluding all evidence as to that provocation. He knew that some courts-martial had received evidence tending to show that there had been provocation; but then he believed it had been immediate provocation—as, for instance, when a private soldier had struck his officer, or when an inferior officer had been guilty of insubordination towards his superior officer, they had been allowed to produce evidence as to the provocation which each had received at the time. It would have been objectionable, he thought, in this case to have gone into evidence as to old provocations and to old quarrels. On reading the proceedings, it appeared to him that there was conduct on the part of Captain Reynolds which no previous provocation could justify or even so far palliate, as to make it possible for the court to pass upon him any other sentence than the severe one of dismissal from the service. He admitted that such appeared to him to be the case, but still there might have been provocation of such a nature as to afford ground for extending to the party tried, the mercy of the Sovereign. This he said was possible, and therefore as the court-martial had refused to hear the evidence which had been tendered, evidence concerning previous provocation; as this was by no means a solitary instance of dissension between Lord Cardigan and the officers under his command; as similar quarrels had on the contrary taken place between Lord Cardigan and several other officers; as it was farther notorious that the officers who had thus been brought into collision with their commanding officer had received the highest character from other officers of high reputation under whom they had served; as those officers had served for many years under other officers without the slightest imputation having been made against them either for want of discipline or for insubordination—he must say, that on taking all these circumstances into consideration, the termination of these proceedings

by the carrying into execution the sentence on Captain Reynolds; and without investigation into the conduct of Lord Cardigan who was still left in command of his regiment, was a course highly injurious to the interests of the British army. He thought that a case had been made out which required the most rigid inquiry. What might such an inquiry have brought to light? If the conduct of Lord Cardigan had been such as he hoped it had been, Lord Cardigan was an ill-used man in being deprived of the opportunity of placing his conduct in a proper light before the public. His right hon. Friend the Secretary-at-War had described in strong terms the attacks which had been made by the press on the character of Lord Cardigan, and the painful marks of the public feeling against him to which he had been exposed. No man, much less Lord Cardigan, could be insensible to such expressions of disapprobation as had been heaped upon that noble Lord. He, therefore, repeated that it was an act of gross injustice to Lord Cardigan, to withhold from him a court of inquiry. That inquiry might have proved that Lord Cardigan was not to blame in these transactions; that inquiry might have proved that there were misconduct and insubordination among his officers, which he was bound to put down; that inquiry might have proved that Lord Cardigan was influenced by a just regard to the interests of the service, and that he was not wanting, as had been alleged, in either temper, discretion, or conduct. If that had been proved, the result would have been satisfactory to the noble Lord and to the country, and Lord Cardigan would have remained in the command of his regiment with greater moral influence over his officers than he could ever hope to exercise in the position in which he now stood before them. When he said that this might have been the case, he must, on the other hand say, without meaning any personal disrespect or offence to Lord Cardigan, that the case might have been otherwise. It might have appeared on that inquiry, that though Lord Cardigan was a zealous officer, anxious for the good of the service, and desirous to keep his regiment in a state of complete efficiency, he was wanting in that discretion and temper which were necessary in a commanding officer. It might have turned out that an officer, after years of irreproachable service, goaded by a series of numerous but petty

provocations, had for a moment swerved from his duty; and if so, the Crown might have applied the proper remedy. If, without an imputation on the honour of Lord Cardigan, this had been proved, Lord Cardigan might have been called upon to sell his commission, and retire from the army, whilst Captain Reynolds, might have been selected as an object for the mercy of the Sovereign, and might have been restored to the rank which he had properly forfeited by the sentence of the court-martial. He would conclude by repeating that the course pursued by Ministers had not been according to his opinion satisfactory, and could not promote the real interests of the British army.

Sir H. Vivian said, it was with great regret he had heard this question brought under the consideration of the House. It was with still greater regret that he had heard what had fallen from the noble Lord who had so lately held a high and important office connected with the military branch of the service (Lord Howick), it was always, in his opinion, very objectionable to bring questions having reference to the discipline of the army into discussion in the House of Commons, it certainly was not the way to improve that discipline, and it might be highly detrimental to it. He well knew, from the manner in which the public press had taken up the subject of Lord Cardigan's conduct, what was the degree of odium to which any one exposed himself who ventured to say one word in Lord Cardigan's defence; this consideration, however, would not deter him from expressing his honest, and his unbiassed opinion. When last year the subject of the academy at Woolwich was discussed, and charges were brought against him (Sir H. Vivian), into the defence of which he had entered, his right hon. and gallant Friend opposite, (Sir H. Hardinge) paid him the compliment of saying he might have rested on his character, and that it was unnecessary he should have gone into the explanation he had given—he would now then rest upon his character, and he hoped he might express an opinion in defence of Lord Hill and Lord Cardigan, without being subject to the suspicion that he would encourage or uphold oppressive conduct from a superior to an inferior officer. He had served in the army nearly half a century, he never had brought an officer to a court-martial, and in the discharge of his duty he never had the misfortune to quarrel either with a superior or an inferior officer; he therefore ventured to

hope that no man who knew him could for a moment possibly suppose he would advocate oppression, but the discipline of the army he always would uphold and maintain; and in support of that discipline it was that he was induced now distinctly and decidedly to say that he was fully and firmly persuaded that in each of the cases which had occurred in the 11th hussars, as far as he could form an opinion from the official documents which had been made public, neither Lord Hill or Lord Cardigan could have acted otherwise than they had done. And moreover, he would add, that nothing could be more unjust than the manner in which both these noble Lords had been assailed by the public press. The noble Lord the late Secretary at War had said, that the state of the 11th hussars ought to have been made the subject of enquiry before a court assembled for that purpose. Now, with all due respect for the noble Lord, he must beg leave to differ from him—the noble Lord could not have had such opportunities of becoming acquainted with the nature and consequences of assembling such courts as he had, and from experience, he must say, that there are few cases in which enquiry before such courts is not productive of more harm than good. A Court of Enquiry is not a legal court, it cannot examine on oath, it can come to no decision, or at least any decision it may come to has not the authority of law. Lord Hill had resorted to the only enquiry to which he could or ought to have resorted, the case had occurred immediately within reach of the head quarters of the army. He had an opportunity of daily communication with the regiment. He therefore directed enquiry to be made by the authority to whom it might legitimately be entrusted, to the officer in command of the cavalry, to the inspector-general of that body, and it was upon the report received from that officer that Lord Hill had acted; and he (Sir H. Vivian) repeated his decided opinion as far as he had had the means of judging, Lord Hill could not have determined otherwise than he had done. Much had been said in reference to what had occurred on a former occasion, he alluded to the case of Captain Wathen; now, on that subject, no one was more competent to give an opinion than he (Sir H. Vivian) was. When that happened, he was in command of the army in Ireland, and were he now disposed to go at any length into the question, he could, without difficulty, show that much which had been

reported in regard to the conduct of Lord Cardigan was incorrect—that he could not be justly charged with much that had been imputed to him, and he would add that the court-martial in referring to him in the manner it had done, had gone out of its way, and done an act of injustice. Lord Cardigan's case had subsequently been brought under the notice of the House of Commons. The result is well known; the division of the House was in accordance with the view he (Sir H. Vivian) had taken of it. Subsequently, he (Sir H. Vivian) had amongst others, pressed on the noble Lord at the head of the army, the propriety of restoring Lord Cardigan to the same. He had written a letter on the subject, which amongst those of other officers who had done the same, had appeared in the public papers. He had in that letter admitted that Lord Cardigan had faults, but he felt then as he felt now, that the faults were rather in the manner than in the matter—he had seen enough of Lord Cardigan at the head of a regiment in Ireland to be able to appreciate his merits as a commanding officer of cavalry, and he thought highly of them, and therefore it was that he was desirous of seeing him again at the head of a regiment. And now, in despite of all that had been said in the public papers, he should not hesitate again to say that in his opinion in the cases in which Lord Cardigan's late conduct had been complained of, he could not well have taken any other course than that which he had taken, and in saying so he hoped that it would not for a moment be supposed that he was influenced by his personal regard for Lord Cardigan—it was as an officer he had first known Lord Cardigan, it was as an officer he spoke of him, and he verily believed that had it not been for the prejudice which had been created against him by what had formerly taken place, what had now occurred would never have occasioned the observation or given rise to the animadversions it had done. Lord Cardigan went to the command of the 11th hussars with a prejudice against him. From the moment he joined there can be no doubt there were some, who to say the least, were prepared to find fault with everything he said or did, and it was his (Sir H. Vivian's) firm belief that if the same had occurred in any other regiment, or to any other commanding officer, that is if officers in any other corps had conducted themselves towards their commanding officer in the manner some of these in the 11th hussars had done towards Lord Cardigan,

we should not have heard it spoken of in the manner that the circumstances which took place in the 11th had been spoken of we should not have seen such an attempt on the part of the press to run down and destroy the character of the officer under whose command such circumstances had happened. In respect to his (Sir H. Vivian's) opinion of Lord Cardigan as an officer, he could not give a stronger evidence than was to be found in the fact, that at the very time these unfortunate differences were occurring in the 11th hussars, he had allowed his son to exchange into that regiment as a captain—now, he trusted, that no one who knew him will suppose he would have done so, that he would have exposed his son to the danger of being treated unjustly or unhandsomely. His opinion was that he might continue to serve in that regiment without having, as the right hon. Member for Kilkenny had said, the "mark of slave set upon his forehead," and if he did not think so he would at once remove him out of it. He would now sit down again, expressing his great regret that the subject had been introduced, and again stating it to be his opinion that Lord Hill could not have acted otherwise than he had done in this matter, nor could he at all agree with those who would attach any degree of blame to her Majesty's Government for not having interfered with the Commander-in-chief in the discharge of his duty.

Mr. *Hawes* said, that this question had been forced on the attention of the House by the loudly expressed resentment of the whole press of England, and there had been a general expectation that when Parliament met, the conduct both of Lord Cardigan and the Commander-in-Chief would be brought under its notice. He regretted that the subject had not come before the House in a more regular way. It might be true, as the House had been told by the noble Lord and the right hon. Gentleman below him, in whom he placed perfect confidence, that there were no means of arraigning Lord Cardigan. Was the House then to assume, was it to go forth to the public, that the conduct of a commanding officer who drove from the service or from his regiment officer after officer, men who had served with distinction for periods far longer than he himself had done, at the sacrifice of their reputation and fortune, was to escape without castigation or censure, and that no protection was to be thrown over the unfortunate victims of his oppression? He did not

think that any officer going into that regiment was to be designated in such a manner as the hon. Member for Kilkenny considered proper; but he must say, as the right hon. Gentleman, the Master of the Ordnance, had laid so much stress on the circumstances of his (Sir H. Vivian's) son having joined that corps, that the right hon. Gentleman's son went into the regiment under very different auspices and very different circumstances from those under which the son of an undistinguished person would enter it. What professional gentleman—what gentleman in any more obscure walk of life, could send his son into the army with anything like the same advantages? The hon. Member for Kilkenny had said, that Lord Cardigan was to be permitted to escape because he was a man of great wealth and of high aristocratical connexions, while a poorer man would have been severely punished, and he (Mr. *Hawes*) must say, that he thought there was great foundation for that belief. Surely, the universal voice of the public press was not to be neglected on a question which appealed to the good feeling and sense of propriety of every man. The defence lately put forward by the solicitor of Lord Cardigan, did not, in his opinion, at all improve the case. If there were no means of inquiring into Lord Cardigan's conduct, or of bringing him to punishment, there was one way at least of showing the sense which the Crown entertained of his conduct—one way of showing sympathy with those who had suffered by it, which had not been taken. The noble Lord (Howick), and the hon. Member for Kilkenny, had stated what was the sense of public opinion on this subject, and he (Mr. *Hawes*) joined with them in expressing his regret that the present constitution of the army did not permit any sympathy to be shown to the officers so situated.

Sir *H. Hardinge* had not expected that this subject would be brought forward, and he very much regretted that it had been so suddenly introduced; but, as it had been brought forward, he must say he entirely concurred with what had been so ably and manfully stated by the right hon. Gentleman, the Secretary at War, and the Master of the Ordnance. He would not enter into the details of the conduct of Lord Cardigan, and indeed the onus of explanation had been thrown rather upon Lord Hill than on that officer. He had no personal connexion or friendship with Lord

Cardigan which could induce him to take an interest in his behalf; but entertaining, as he did, a strong feeling as a military man that his conduct had been much exaggerated both by the press and by individuals, who had made it the subject of comment, he should not feel justified if he did not express that opinion to the House. It was very notorious that there had been something among a few officers of the noble Earl's regiment, not many, but a few, of the nature of a cabal. That word had been used at the Horse Guards, and he was, therefore, justified in using it in that House. He would mention one circumstance which might throw some light on circumstances that had subsequently taken place. When Lord Cardigan went to India to take the command of his regiment, he had not joined it one month before some of the Indian papers began to assail him in the most hostile manner. That gallant Officer was told by the Commander-in-Chief in India, Sir H. Fane, when he complained of this conduct of the journals, that he must not be surprised at being abused in this way, because he had himself been most grossly assailed; and when he (Sir H. Fane) inquired of the editor of one of the papers why he attacked him, the editor told him, in the most candid way, that it came from an officer of the 11th Dragoons. Lord Cardigan went to the editor of one of the journals which attacked him, and asked him why he did so, as he (Lord Cardigan) had done nothing to offend him. The editor said, "You'll be very much surprised when I tell you that those attacks came from an officer of your own regiment." When it was notorious from whom those attacks came, could it be supposed that Lord Cardigan would be on good terms with a man who was persecuting him in the public papers? With respect to Sir H. Fane, this practice was carried to a pitch of audacity, that he wrote to the major commanding the regiment, a short time previous to Lord Cardigan's arrival, to complain of the attacks in the papers. The officer commanding convened the officers of the 11th, and laid before them the complaint of Sir H. Fane, and in next week's paper there appeared the Commander-in-Chief's own letter, accompanied by the most sarcastic remarks against Sir H. Fane. Now, practices of this kind were sufficient to induce Lord Cardigan not to feel very amicably towards the officers from whom he imagined, or

had strong reason for suspecting that they emanated. On various other occasions, which it would be tedious to the House to particularize, great cause of offence had been received by Lord Cardigan, and, though he might not be of the most patient temper to bear those attacks, yet he must say that officer had been sinned against more than he had sinned. At that late hour he would not enter into further details, but he thought he had said enough to show that there was some reason for any asperity which Lord Cardigan may have manifested.

Viscount *Howick* could not help remarking, if any proof were wanted of the expediency of an inquiry, the very strongest proof had been furnished by the right hon. Gentleman who had just sat down. An inquiry would have brought the facts which the right hon. Gentleman had stated to light. As the hon. Member for *Lambeth* seemed to suppose that there would have been some irregularity in appointing a court of inquiry to examine into the conduct of Lord Cardigan, he would just say, that there would have been nothing whatever contrary to precedents in such a course. He thought it a very great error that such an inquiry had not been ordered.

Sir *D. L. Evans* knew no subject more disagreeable to a military man, than such a one as the present, and in alluding to it, he was far more inclined to appeal to the clemency of the authorities in behalf of any faults that might have been committed, than to press hardly on an officer who, whether he were guilty of the improprieties attributed to him or not, had certainly been harshly dealt with by the press. The noble Lord, the Member for *Northumberland*, explained his opinion upon this subject in a clear and unexceptionable manner, and, without offering an opinion one way or the other, with respect to the differences which arose between Lord Cardigan, and the officers under his command, he concurred with the noble Lord in thinking, that as far as regarded Lord *Hill*, and as regarded Lord Cardigan, it would be to the service of both that the matter should not be allowed to rest where it did.

Vote agreed to.

Several other votes were passed.

The House resumed—resolutions to be reported.

APPENDIX.

No. 1.

A BRIEF STATEMENT OF LORD KEANE'S SERVICES.—Page 586.

I ENTERED the army in 1793, and got a lieutenancy the 29th of April of that year, and a company the 12th November, 1794, the regiment I then belonged to was reduced in 1795, and I remained on halfpay until 1799, when I was appointed to the 44th infantry, then stationed at Gibraltar, where I joined it. In 1800 the regiment embarked, and was attached to the expedition under the command of Sir Ralph Abercrombie, destined for the conquest of Egypt. At Malta I was appointed aide-de-camp to Major-general, the Earl of Cavan, and in that situation I served throughout that campaign, and was present at the actions of the 8th, 13th, and 21st of March, 1801, which decided the fate of the enemy's power in that country. I remained on Lord Cavan's staff in Africa, until the close of 1802, when he was relieved by Sir John Stuart and returned to England. In May 1802, I was promoted to a majority, and the 20th of August, 1803, to a lieutenant Colonelcy, and joined the 13th Light Infantry in the Mediterranean, returned with the corps to England in 1806, and the latter end of 1807 embarked with a brigade under Sir George Prevost for Nova Scotia. The 13th regiment was landed at Bermuda, from whence it sailed again to the West-Indies in October, 1808, and was employed in the expedition against and conquest of Martinique in 1809 under Sir George Beckwith; I remained with my regiment at Martinique until the Autumn of 1811, when I returned to Europe, and immediately changed into the Rifles 60th and joined the army in the Peninsula shortly after the battle of Salamanca, and was appointed to command a brigade in the 3rd division at Madrid; I served in that division to the conclusion of the war, and was with it in the battles of Vittoria, Pyrenees, Nivelle, Nive, Orthes, Vic Bigorée, and Toulouse, besides very many affairs of minor note.—After the peace

of 1814 with France, I returned to England, and was immediately appointed to command a brigade as a reinforcement to Major-general Ross, then serving in the Chesapeake. The squadron and troops for the service being reported ready at Plymouth early in September 1814, I repaired to that port, and sailed for Jamaica at noon on the 18th. On reaching it I found the admiral with the fleet and army from Virginia there, and learnt that General Ross had been killed at Baltimore, and that the command of the army devolved upon myself. Sir A. Cochrane also informed me the object of the expedition was to take possession of New Orleans. On the 23rd December, the light brigade of the force landed and took up a position on the Mississippi, nine miles below New Orleans, and that evening at 8 P. M. we were attacked by a force of 5,000 men under General Jackson, aided by a schooner of eighteen guns in the river; after a four hours struggle the enemy was beat back leaving a heavy list of killed and wounded on the field, and the schooner forced to change position to the opposite bank of the river, where she was burnt by hot shot on the 27th. Sir Edward Pakenham arrived from England on the 25th and assumed command of the army; I continued to serve with my brigade until the attack on the enemy's lines on the morning of the 8th of January, when I was severely and dangerously wounded; and obliged to be removed on board ship. Having reached England in June 1815, I was ordered to join the army under his Grace, the Duke of Wellington with the troops from America, which were hourly expected. I did so at Paris soon after the battle of Waterloo, and continued to command a brigade in the army of occupation, until it was reduced in 1818, when I was appointed governor of St. Lucia, and immediately returned to the West-Indies. I continued to admin-

ister the government of that island until May 1823, when I was ordered to Jamaica to assume command of the troops, with a dormant commission as lieutenant governor, and a seat in council. I served in that island from that period, latterly administering the civil government as well as the military until 1831, when I returned to England. In 1833 I was appointed commander-in-chief of the province of Bombay, embarked and sailed for India. In the fall of 1838, I received orders from the Governor-general to equip a corps d'armée of 5,000 men for service in Sind, which, when completed, the Bombay government requested I would take the command of. I accordingly embarked with it, and having reached Hydrabad, and accomplished the object of the expedition, the Governor-general informed me, that the force from Bengal originally intended for service in Affghanistan, was deemed to be too large, and was to be considerably reduced, in

which case the services of the commander-in-chief in India were not considered necessary, and that the command of the army of the Indus was to devolve upon me; that I was to leave a proportion of the Bombay column in Scinde to secure our communications, and to move up with the remainder and take the direction of the operations to be executed in central Asia. I reached the head of the advanced column at Quetta and proceeded to execute my instructions. Success attended all our undertakings, and on the 6th of August, 1839, having gained possession of the Bala Hissar, and placed his majesty Shah Soojah on the throne of his ancestors at Cabool, I felt that the letter and spirit of my instructions were fully accomplished. I then had leave from Lord Auckland to return *viâ* the Punjah to Bombay, and to embark for England.

KEANE.

Lt. Genl.

TRIAL OF THE EARL OF CARDIGAN.—Page 632.

The Publication of a Report of this Trial by the Order of the House of Lords, and under their authority, containing matter to which no private individual can have access, renders any other report of little value. Mr. Hansard therefore deems it useless to print that which he had prepared for this Appendix.

No. 2.

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